Class _____

Book _____

TULLY'S

THREE BOOKS

OF

OFFICES,

IN ENGLISH,

WITH NOTES,

EXPLAINING

THE METHOD AND MEANING OF THE AUTHOR.

BY

THOMAS COCKMAN, D. D.

LATE MASTER OF UNIVERSITY COLLEGE, OXFORD.

A NEW EDITION.

LIBRARY OF CONGRESS
1870
CITY OF WASHINGTON

OXFORD:

PRINTED FOR E. WEATHERSTONE;

Sold also by D. A. TALBOYS, Oxford; by F. C. and J. RIVINGTON, St. Paul's Church-yard; and R. PRIESTLEY, London.

1819.

PA6308
I5C6

4597
G313

PREFACE.

THE Author of this book is so well known, that it would be altogether needless to give any account of him in this place. As for the book itself, it has always been looked upon as one of the most perfect pieces of his writings, and one of the noblest systems of moral precepts that has ever been left us by the ancient heathens; and not without reason: there appears all along in it so great a love and concern for virtue, which he recommends to his son with all imaginable earnestness; so deep a sense of the obligations to honesty, and aversion for every thing that is contrary to it; such an admirable inclination for the virtues of plainness, truth, and sincerity, and such a generous contempt of all shuffling, mean, and underhand dealings; such piety towards his native country, and hearty concern for the calamities it groaned under, and withal so much hatred and detestation for those men, who had been the causes of its misfortunes; and, in a word, so many excellent rules of life, with reference to our duty either to God or men, and to those in their several capacities and relations, whether of kindred, friends, or benefactors, as have justly recommended it to the esteem of all the world, and given it the first place among the eminent and most celebrated writings of this kind. The scope and design of it in his own words is, to lay

down some directions and precepts of good living, according to which upon all occasions men ought to govern their lives and actions; so that whatever state of life a man is in, whether public or private, of governor or governed, of prosperity or adversity, old age or youth, he will here find rules how he ought to demean himself in any of those capacities; and will be told what that is, which the dignity and excellence of his own nature require in regard to himself; and what the several sorts of alliance or society among men demand, in relation to other people: so that while other parts of learning and knowledge are most times confined either to certain ages, certain times, or certain places, this is of general and universal use; it is (as our author says upon another subject) necessary for youth as well as old age; it directs in prosperity as well as in adversity; it is a delight to us at home, and a companion for us abroad; *pernoctat nobiscum, peregrinatur, rusticatur.*

It was principally designed for the use of his own son, whom he had sent to Athens for the benefit of study, while all things were in disorder and confusion at Rome, after POMPEY's defeat in the Pharsalian field: but he tells us he has purposely framed it in such a manner, as that it might be equally serviceable to all other people. The time of its writing was after CÆSAR's murder, when MARK ANTONY and his adherents had got the power into their hands, and CICERO (as he complains at the beginning of the third book) was by wicked arms driven away from the city, and forced to betake himself to his private retirements. At this time he thought to have gone to Athens to his son, and was accordingly on his journey, when he was called back again by the

loud cries of his country, as he intimates in the conclusion of this discourse, and explains more at large in the beginning of his first *Philippic*. He returned to Rome upon this recal, but found things very different from what he expected, when he came thither; hereupon he withdrew himself to his houses in the country, resolving to wait for some fitter opportunity of being serviceable to the Republic. From this retirement he sent these precepts in writing to his son, which he designed to have given him by word of mouth, had he arrived at Athens. The method he proceeds in is this which follows: after a short discourse by way of preface to his son, and fixing the right notion of the subject he is to treat about, he endeavours to beget in him a love of honesty, by representing it as amiable and commendable in itself, and agreeable to the nature and reason of mankind. He divides it into four parts or general heads, prudence, justice, fortitude, and temperance, which are usually called the four cardinal virtues, and discourses in order upon every one of them, with all their several species or branches, and the vices that stand in opposition to them. And this he does, not in a dry and scholastical manner, by enquiring nicely wherein the strict nature of the several virtues consists, and which of their opposite vices they are nearest to, (which my Lord Bacon somewhere very ingeniously observes, is like a master's setting a boy a copy to write after, without ever shewing him how he should make his letters,) but by laying down such rules under each of these heads, as may direct men in the practice of the duties required of them. Afterwards he compares them with one another, and shews in what order they are to be performed by us: as justice, for example,

before knowledge, fortitude, &c. All these virtues, when taken together, make up the general notion of *honestum;* and when taken separately, are so many branches or distinct members of it.

But seeing something else beside virtue or honesty is necessarily requisite, or at least useful and convenient for our well-being here; such as are the comforts and conveniences of life, viz. riches, glory, honour, success in business, &c. which are all comprehended under the notion of the word profit: therefore in the second book he endeavours to shew how these are to be obtained: and having made it appear, that all the advantages men enjoy, and the evils they endure, are principally owing to men themselves; from thence he infers, that the way whereby we may obtain the former, and avoid the latter, is to procure the endeavours of men on our side, so as to have them ready to assist us upon occasion. This he shews can be done no other way, than by performing those duties which honesty requires of us: viz. by prudence and wisdom, by justice and integrity in our words and actions, whereby men are drawn to place their trust and confidence in us; (where also he particularly shews, that pretending and hypocrisy, can never get a man any lasting honour;) by kindness and beneficence, courtesy and affability, which beget in men a love and affection toward us: and lastly, by fortitude, contempt of money, &c. which are virtues that draw men to wonder and admiration, and make them think us persons that really deserve to be promoted.

But because riches, honours, power, and the like, which seem to be a profit and advantage to us, may often interfere with virtue and duty, which really are such; therefore in the third book he endeavours to shew, how a good man

ought to carry himself in such a case; and makes it appear, that riches, honours, kingdoms, and empires, are far from being truly an advantage to any man, whenever they are gotten by unlawful means; and that no honest man would do any thing that is contrary to conscience or honesty, though sure to obtain even the whole world by it. All which he builds upon this foundation, that the goods of the soul, viz. virtue and honesty, are, if not the only, yet infinitely the greatest goods; (which is a principle allowed of by all the wiser philosophers;) from whence it must follow, that whoever parts with these upon the account of any riches, or other seeming advantage, be it never so great, must needs be a loser; for he forfeits a greater for the sake of a less good, and in hopes of getting a seeming, deprives himself of a real interest. Here he goes over each of the virtues mentioned in the first book, and proves that nothing can be a man's true profit, though it should bring him all the appearing advantages in the world, and though he were sure to keep it secret from the eyes of all men, and even the gods themselves, that is contrary to the duties of prudence and justice, of fortitude and moderation. In a word, here are rules for the government of our lives in relation to God, our neighbours, and ourselves, such as are deservedly admired in a heathen, and might have well become even a Christian writer: he tells us, that to procure the favour of the former, we must live a religious and holy life: that, as to the second, there is an alliance or society between all mankind, whereby each particular is obliged to do his best towards promoting the happiness and welfare of the whole body, and rather to die than do another any injury: that, as to ourselves, we should always consider the dignity

and excellence of our reasonable nature, and take care that we never be guilty of any action, that may any wise stain or unbecome its honour: this, as he goes on, will quickly teach us, how base a thing it is to dissolve in luxury, softness, &c.— Thus have I endeavoured to present the reader with a general view of this incomparable treatise: should I proceed to tell him, that some of the most eminent writers in the world have owed great part of their credit to it: that the SANDERSONS, GROTIUS's, PUFFENDORFS, &c. are particularly obliged to it for their skill in determining moral cases, perhaps he might think me rather zealous, than impartial, in my account of it: though I can assure him it is no more than what is strictly true. The first of those great persons (as the writer of his life tells us) had it all by heart; and how much use the two latter have made of it, I leave those to judge who have been conversant with their writings. But the book can much better recommend itself by its own true value, than I can do by any thing I am able to say of it; thither therefore I shall refer the reader for his farther satisfaction, after I have told him, in a few words, what has been attempted in this new translation.

I have endeavoured to express what I conceived to be the sense and meaning of the author, in as full and comprehensive words as I was able, attending all along to the principal scope and design of his discourse, rather than to the particular words and expressions. I have taken care, however, to let none of his words escape, without giving the sense of them in our own language: so far from that, that I rather expect to be condemned, on the other hand, for explaining some of them a great deal too much, and spending a line perhaps, or more, in that which the author expressed in but

one single word: but whoever considers the nature of the Latin tongue, and our author's way of writing, especially in this book, will easily perceive that it was necessary for me to do so, otherwise the English would have been almost as hard to be understood as the Latin: for the truth of which I refer the reader to Chap. xxxv, xxxvi, xxxvii. Book I. not to name innumerable other places. I have had a peculiar eye all along, to the method of the discourse, and the connection or dependence of one part of it upon another; which, because it is oftentimes very obscure, I have generally added the distinguishing terms of first, second, &c. and where that could not be done, have sometimes added a line perhaps, to shew how he passes from one thing to another. As to some things, that are of little or no consequence toward understanding the author, as if I have translated *cœna*, dinner; *hominis honorati et principis*, a gentleman or a person of honour; *convivium*, sitting at a table, and over a glass of wine, &c. or if, in a philosophical discourse as this is, I have sometimes made use of an unusual word; I suppose they will be counted not unwarrantable liberties, but such as are commonly taken by translators. If in the main, I have hit upon the true sense and meaning of my author, and expressed it in such clear and intelligible terms, as may make the reader see what is the force of his arguments, the reasonableness of his precepts, the fitness of his several illustrations and examples, with those other virtues which have rendered this book so deservedly famous; I have obtained what I principally designed by this attempt.

The design of the notes is chiefly to point out the author's method, and explain some passages in him that seemed more obscure than the rest:

if the reader find fault, that some of them regard rather the Latin than the English, and others seem trivial and inconsiderable; I desire he would take notice, that I would not have the English thrust out the Latin, but rather promote and facilitate the reading of it; and that I did not design to make notes for men of learning, (by whom I am fitter to be taught myself,) but rather for the young and less-knowing sort of people.

I have gone according to that division of chapters, which is usually received, because the book has been quoted according to it, and to have made any alteration would but have bred confusion; though otherwise I think it is the most ignorant and ridiculous one that was ever made, except in some other of our author's writings. I have put before each chapter a summary of what is contained in it; and to the whole have subjoined an index, referring to all the principal matters that are mentioned in the book. In a word, I have not wilfully omitted any thing, as far as was possible in so small a volume, (for I did not design to write a large commentary, or play the critic upon my author,) that seemed necessary or useful toward a full explication of this excellent discourse. I have made some use of Sir R. L'Estrange's English, and especially Mr. Du B.'s French translation; which I gratefully acknowledge. I have followed that sense which to me seemed most agreeable to the author's design, without finding fault with the interpretations of other people, or speaking ill of those who have not been of my mind; and if I have been mistaken myself in any thing, (as I do not question but I many times have,) I desire the reader to use the same candour and forgiveness toward me; that, as I think, I have given nobody any just cause of complaint, so I may

not have any myself from other people. In fine, I am sure my design was commendable; the success of it I must leave to the reader's judgment; I shall only say, that as I look for no honour from any thing I can do, more especially of this nature; so I hope that however I may expect a pardon.

TULLY'S OFFICES.

BOOK I.

CHAP. I.

Cicero exhorts his Son, a young student at Athens, not to forget his Latin, though he was in a Greek University; but to mix the studies of both those languages, and also learn to write both as a Philosopher and an Orator. To this purpose he advises him to read his Works, as having equally written in each of those kinds, which none of the Grecians had ever done. But he modestly adds, that he thinks they could have done it, but that they applied themselves wholly to one of them.

DEAR SON MARCUS,

THOUGH after a year's study under Cratippus[a], and that at such a place as Athens[b], you ought to have

[a] The most noted Peripatetic philosopher of that age, a familiar acquaintance of Cicero, and by him often equalled to the greatest of the ancients. He was of Mitylene, the chief city in the island Lesbos, and there taught for some time. Afterwards he removed to Athens, where Cicero among others entrusted his son with him. See *Famil. Epist.* lib. xvi. epist. 21.

[b] The most celebrated city in the world for politeness and literature; whither all the great men of antiquity resorted for learning: where Plato, Aristotle, Demosthenes, Sophocles, and innumerable others, the greatest wits of the world, in old time flourished; therefore by our author in his first Book *De Orat.* c. iv. called, *The Inventress of all Arts.* His son then being at such a place, and under such a master, he expects he should have made a suitable improvement.

abundantly furnished yourself with knowledge in the doctrines and rules of philosophy; having had the advantage of so eminent a master to supply you with learning, and a city that affords you such excellent examples[c]: yet I should think it convenient for you (which is a method I took for my own improvement) always to mingle some Latin with your Greek in the studies of eloquence, as well as philosophy, that you may be equally perfect in both those ways of writing, and make yourself master of either language[d]. For the furtherance of which, I am apt to imagine, I have done no inconsiderable service to our countrymen; so that not only those who do not understand Greek, but even the learned themselves, will confess, that by reading my works, they have mended their styles, and somewhat improved their reason and judgments.—Wherefore I am willing that you should learn indeed of Cratippus, the greatest philosopher of the present age, and learn of him too as long as you desire it; and so long I think it is your duty to desire it, as you find yourself sufficiently benefited by it: but withal, I would have you to read my writings, which very little differ from those of the Peripatetics; for both[e] we

[c] Not of persons then living only, but of those also that were dead and gone; nothing so bringing to our remembrance the virtues and learning of great men, as being in the places where they once flourished; which is one great advantage of a public education.

[d] *Utriusque orationis* may mean either the two languages of Latin and Greek, or the two kinds of style that are proper, one for the bar, and the other for philosophical discourses. I have taken both senses into the translation.

[e] So I understand the word *utrique* to mean both the Academics of whom Cicero, and the Peripatetics of whom Cratippus, was. These two sects at first were almost one and the same, as appears from several places of Cicero; [see book iii. ch. 4. and *Academic. Quæst.* book i. ch. 4.] Xenocrates, the chief author of the former, and Aristotle of the latter, being each of them scholars to the incomparable Plato, who was hearer of the wise Socrates. The Academics therefore and Peripatetics were both of them followers not of Socrates only,

and they profess ourselves followers, not of Socrates only, but of Plato likewise. As for the matters contained in them, use your own judgment with freedom and impartiality, for I lay no manner of restraint upon you: your improvement in the Latin is what I chiefly desire, which I am confident must follow from a careful perusal of them. Nor let any one think that I am vain and pretending when I speak thus: for, allowing to some others the precedence in philosophy, should I assume to myself what is the part of an orator, viz. to speak suitably[f], methodically, and handsomely upon any subject, seeing I have spent my whole life in that study, I think it is no more than what I might reasonably and fairly lay claim to. I cannot but very earnestly desire you therefore, my dear Cicero, to read my books with care and diligence; not my Orations only, but these pieces also that concern philosophy, which are now of a bulk almost equal to them; for though in the former there is more of the force and power of eloquence, yet is the smooth and even style of the latter by no means to be neglected. And of all the Grecians, I find not one that has employed his pen in both these kinds; and been at once successful in the language of the bar, and this other more gentle

(for that almost all the philosophers were,) [See *Cic. de Orat.* iii. 16, 17.] but of Plato too, and so were very nearly allied to each other.

[f] *Apte, distincte*, &c. The word *apte* properly denotes the conformity of our style to the subject we are handling, and is called by our author in other places, *Apte ad rerum dignitatem dicere;* and he tells us, that those men may be said to speak *apte, Qui ita moderantur Orationem, ut rerum et personarum dignitates ferunt*, which I think answers to our English word *suitably*. See *Quintil. Institut.* lib. xi. c. 1. *Distincte* refers to the method of a discourse, and is opposed to confusedness: *ornate* to the figures and ornaments of rhetoric. So that these three words seem indifferently well to comprehend the whole business of an orator; which is, *Invenire præclare, inventa disponere, disposita exornare;* to invent what is suitable and proper for the subject, to put it into a good method, and to give it the ornaments of eloquence, &c.

and easy style of philosophical discourses; unless Demetrius Phalereus[g] may be reckoned for one, who is subtle enough in his disputes of philosophy, but, methinks, in his oratory, wants that spirit and vehemence that is requisite; however, has so much of sweetness in him, that one might know he had been Theophrastus's[h] scholar. Whether I have had any better success in both these ways, must be left to the judgment of others to determine: I can only say that I have attempted them both. And it is my opinion, that if ever Plato[i] had undertaken to plead, he would have been a most copious and powerful orator; and if Demosthenes[k] had studied and discoursed of those

[g] A Peripatetic born at Phalerum, a small town on the sea-coast of Attica, from whence he had his name. He was ten years governor of Athens, in which time he was honoured with three hundred statues. Being afterwards driven out by Demetrius Poliorcetes, son of Antigonus, Alexander the Great's captain, he fled to Ptolemy, king of Egypt, by whom he was set over the famous Alexandrian library, which contained in it (as some write) 700,000 volumes. He persuaded that prince to get the Old Testament translated into Greek, which is what we now call the translation of the Seventy. Most of his works are lost. See our author *De Legg.* lib. ii. c. 26. lib. iii. c. 6.

[h] A noble philosopher of the Peripatetic sect, scholar first of Plato, and afterwards of Aristotle, whom he succeeded in his school. He was son of one Melantes, a fuller, and born at an obscure place of the isle of Lesbos, named Eresus, whence he himself is called Eresius. His first name was Tyrtamus, that of Theophrastus being afterwards given him by Aristotle for his divine eloquence. He was mightily admired by Cicero, who used to call him his *delight*, and is often commending him for the sweetness of his style. Several of his works are still remaining, one of the chief of which is his *Characters*.

[i] An incomparable philosopher, born at Athens, who travelled over great part of the world for knowledge; he is often mentioned, and in several places translated by Cicero, who follows him very much in his philosophical writings. His works still remain, which are so excellent, as to have justly gained him the name of the divine Plato.

[k] The most famous Greek orator that ever was, son of a blacksmith in Athens, and scholar to Plato. His works are still extant. See his life in Plutarch.

things, which he learnt of Plato, he would have done it with a great deal of ornament and majesty. The same I think true of Isocrates and Aristotle[l]; each of which, pleased with his own way of writing, neglected to cultivate and improve the other[m].

CHAP. II.

The reasons why he writes upon this subject. The general use and importance of it. All philosophers have handled it; though some, by their false notions of happiness and misery, utterly pervert it. What sects they are that have a right to lay down any rules or precepts concerning it. He designs in this work to follow the Stoics principally. The subject of a discourse ought first to be defined, before we begin to say any thing upon it.

BUT having resolved to write something at present, and a great many others hereafter to you, I thought I could begin upon no better argument, than that which is fittest for your age, and most becoming my authority as a father; for, of all those useful and important subjects, which philosophers have handled so largely and accurately, the precepts they have delivered about *offices* or *duties*[n], seem of the largest extent

[l] Isocrates was a notable teacher of rhetoric, and Aristotle a most eminent philosopher in the famous city of Athens; both of them very well known by their works, which are still, the greatest part of them, remaining.

[m] That is, Isocrates never tried how he could succeed in philosophical discourses, nor Aristotle in orations.

[n] *Officium* in our author, which I beg leave to render either *office* or *duty*, signifies especially two things; sometimes the duty or obligation itself, as when he says, *Peregrini officium est*, It is the duty of a stranger, *i. e.* He is obliged to do so or so, &c. At other times, the action whereby that duty is performed, as when he divides *officia*, virtues, into *media* and *perfecta*, ordinary and complete ones; so *officia justitiæ, liberalitatis*, &c. are the actions of those virtues; which may be worth observing through the whole work.

and comprehension; for they take in every part of our lives, so that whatever we go about, whether of public or private affairs, whether at home or abroad, whether considered barely by ourselves, or as we stand in relation to other people, we lie constantly under an obligation to some duties: and as all the virtue and credit of our lives proceed from the due discharge of this; so all the baseness and turpitude of them result from the non-observance of the same. Now, though this be a subject which all philosophers have employed themselves about, (for, who ever dared to assume that name without laying down some instructions about duty?) yet have some sects° of them given such accounts of man's happiness and misery, as destroy the very being of virtue and honesty. For he that makes any thing his chiefest good, wherein justice or virtue does not bear a part, and sets up profit, not honesty, for the measure of his happiness; as long as he acts in conformity with his own principles, and is not over-ruled by the mere dictates of reason and humanity, can never do the offices of friendship, justice, or liberality. Nor can he ever be a man of courage, who thinks that pain is the greatest evil; or he of temperance, who imagines pleasure to be the sovereign good. Which things are all so obvious and plain, that one would think they could never stand in need of a dispute:

° He means chiefly the Epicureans, who made man's happiness to consist in pleasure, and his misery in pain, which is indeed to subvert the very foundations of honesty. For seeing there is nothing that men will not do, for the obtaining their chief good, and avoiding the greatest evil, it necessarily follows, that (as long as they act consistently with their principles) these men will betray their friends, break their oaths, or do any thing in the world, rather than forego any pleasure, or endure any pain. Therefore he has reason to say, *They never can do the duties of friendship*, &c. For certainly, if I count pleasure my greatest good, I shall rather part with my honesty than that; and if I reckon pain the greatest of evils, I will rather lose a friend, be unmerciful or unjust, than ever undergo it. The same may be said of those that place their happiness in riches, honours, &c. and their misery in the contrary. See *Tusc. Quæst.* ii. 6.

however, I have largely discoursed upon them in another work[p]. These sects therefore, unless they are resolved to be inconsistent with themselves, ought wholly to abstain from speaking any thing about duties; nor indeed can any constant, unalterable, rational[q] rules of them at all be given, unless it be by those who go upon this principle, *That it is virtue alone*[r], or at least that chiefly, which ought to be desired for its own sake. So that only the Stoics[s], Academies[t], and Peripatetics[u], have a right to lay down any rules upon this subject: for as to the opinion of Aristo, Pyrrho, and Herillus[x],

[p] His books *De Finibus Bonorum et Malorum.*

[q] It is a Stoical principle, *That the happiness of man consists in acting agreeably to his nature:* by nature, understanding nothing else but right reason, whereby man is distinguished from all other creatures. By *conjuncta naturæ*, therefore, in this place, I suppose he means, such as are agreeable to the dictates and rules of right reason, i. e. rational.

[r] For if any thing else may be desired more than virtue, I may part with my virtue for obtaining it: and by consequence cannot observe any settled, unalterable rules of duty.

[s] Who held that nothing was good or desirable for its own sake, but virtue or honesty.

[t] Who denied there was any such thing as certainty, and were not tied to any particular opinions, but always followed what appeared most probable; though generally inclining to the Peripatetics. See book ii. c. 2. book iii. c. 4.

[u] Who held that virtue was the chief, and abundantly most desirable good. [See book iii. c. 3.] but yet allowed the name of good to some other things, viz. riches, friends, health, &c. which the Stoics did not.

[x] These three philosophers were of different opinions about man's happiness; Aristo and Pyrrho making it consist in virtue alone, with a perfect indifference as to every thing else, such as health, riches, honours, &c. [See *Cicer. de Fin.* book iv. c. 16. *Acad. Quæst.* book iv. c. 42.] Herillus made it to consist in knowledge, with a like indifference. See *Cicer. de Fin.* lib. v. c. 8. Though they did disagree therefore in their notions of happiness, yet they were all agreed in what Cicero here taxes them with, viz. taking away all *delectus rerum*, difference, or power of choosing between things: by which means they left no *aditus* (as he speaks) *ad inventionem officii*, no way of finding out what is our duty. For how can that prudence which is seen in wisely choosing one thing before another have any place, if all things are equally in themselves indifferent?

that has been exploded a good while ago; who might have claimed a privilege to treat about duties, as well as the former three, had they but left the possibility of choosing, and allowed at least so much difference between things, as to put us into a capacity of finding out our duty, and distinguishing it from that which is not so. I shall follow[y] therefore at this time, and on this subject more especially, the Stoics; not as a bare translator of them, but (according to my usual custom) shall take out of their stores so much, and after such a manner, as in my own judgment I shall think most convenient. Seeing then the whole of our following discourse is designed to be about Offices or Duties, I think it will be necessary for me, in the first place, to determine[z] and fix the signification of the word Office, which I cannot but admire to find omitted by Panætius[a]: for every clear and rational discourse upon any subject ought first to begin with an explication of that subject, so that we may have a distinct conception of what we are afterwards to discourse about.

And if there be no difference between sickness and health, riches and poverty, and it is as good for a man to be in one as the other of these, this takes away all obligation of assisting those who are in sickness or want; seeing, according to this opinion, they are not anywise in a worse condition than the healthy or rich: and by consequence all justice, charity, bounty, &c. must fall to the ground. This is what Cicero often objects to them, that they did *Virtutem ipsam, quam amplexabantur, tollere,* take away and ruin, by just consequence, that virtue, in which their opinion made happiness to consist. See *Cic. de Fin.* book ii. c. 13. and several other places.

[y] For being an academic, he was not tied to any set of opinions, but allowed to choose that which he thought most probable; whether Stoic, Peripatetic, or any other.

[z] The word *definire* does not necessarily signify to define, in the strict acceptation of that word; but in a larger sense, to set bounds to the meaning and signification of any word.

[a] An eminent Stoic, scholar of Antipater Tarsensis or Sidonius. He writ three books concerning Offices, which Cicero follows in this work. He was a Rhodian by birth, and greatly admired for his learning and wisdom by the second Africanus, and the wise Lælius, &c. Cicero often makes honourable men-

CHAP. III.

The whole subject of duties consists of two parts. Ordinary and perfect duties, and what they are. Panætius made but three general heads of deliberation, to which Cicero adds two more. The general method he designs to take in the whole work.

THE whole subject of duties then, in its greatest latitude, comprehends under it these two parts[b]: the first is taken up in explaining what is good, and what our greatest good. The second in certain directions and precepts, according to which upon all occasions it is our duty to govern our lives and actions. To the first part belong such questions as these, Whether all duties are perfect or not? and, Whether one can be greater or less than another? with several others to the same purpose. Not but that the duties[c] of this second part, the rules and precepts of which are laid down, have some tendency and relation to our chiefest good; but only it does not so plainly appear, because they seem to concern more immediately the government of our lives and regulation of our manners; and these are they which I design to explain in the following treatise. There is also another distribution of duties[d],

tion of him, calling him one of the greatest of all the Stoics, and worthy of that familiarity with those two great men.

[b] The whole of morality consists of two parts; in one of which it is enquired, What the happiness or chief good of man is? In the second are laid down some rules of action, by living up to which he is to obtain that happiness. Of the former he has discoursed in his books *de Finibus;* the latter makes the subject of his present enquiry.

[c] Such are the actions of justice, temperance, &c. the performance of which tends directly to man's happiness, though they immediately relate to the conduct of his life.

[d] Philosophers usually reckon three degrees or states of virtue; the first utterly imperfect, before a man has gotten a habit of it; which is rather an entrance into, than a state of virtue, therefore not mentioned here by our author. The se-

some of them being called middle or ordinary, and others perfect or complete. To the latter, I think, we may give the name of right or straight, which sort by the Greeks is called κατόρθωμα; as the former ordinary one καθῆκον. By that which we have called right or straight, as they explain it, is meant a virtue that is wholly complete in all its parts, without any manner of flaw or imperfection; and by that which we have called ordinary, such a one as a fair and reasonable account may be given for the doing of it. Now these fair and reasonable accounts[e] are all to be drawn from several heads, which are by Panætius reduced to three, and may be called general heads of deliberating or doubting concerning any action, whether it should or should not be done. The first is, when it is consulted or doubted, whether the action that is under consideration be honest or dishonest; in which enquiry men are often divided between several opinions. The second is when it is enquired and consulted, whether the action that is under deliberation will supply us with the pleasures and conveniences of life, furnish us with plenty of outward things, such as riches, honours, power, &c. which may put us into a capacity of doing good to ourselves, and to all those for whom

cond more perfect, when a man hath got a habit of it, but yet may sometimes fall into vice; such was the virtue of Cato, Lælius, and other wise men. The third absolutely perfect and complete, by Aristotle called Heroic, and by the Stoics, The State of Wisdom: when a man has perfectly got the mastery of his passions, and with all the powers and faculties of his soul, from a perfect habit of the truest wisdom and prudence, doth nothing but what is wholly agreeable to right reason. An office or virtue of this third kind the Stoics called κατόρθωμα; and the man that does it a wise man, such a one as (by their own confession) never was in the world, but only in idea. A virtue of the second is called καθῆκον, which I have Englished *ordinary*, which does not require a perfect imaginary wisdom, but is such as ordinary men are capable of in the affairs of life. See book iii. c. 3, 4.

[e] I have enlarged a little upon our author here, to make his sense more plain.

we are more nearly concerned; all which enquiry comes under the general head of profit[f]. The third ground or reason of doubting is, when that thing which seems to be profitable[g] for us comes into competition with that which is honest: for then our interest drawing us one way, and honesty pulling us back another, the wavering mind is, as it were, torn in sunder between the two, and is racked with doubting and anxious thoughts. There is no greater fault in any division, than not to take in all the several parts of the matter to be divided; and yet two are omitted in the now-mentioned one of Panætius. For men not only consult and deliberate whether such an action be honest or dishonest; but also of two honests that are both proposed to them, which is the most so; and in like manner of two profitables, which is the most profitable. From whence it appears, that what he thought was contained in three, ought rather to be divided into five heads[h]. We must then, in the first place, discourse about honesty, and this we shall do

[f] He comprehends then under the notion of profit, not only riches and honours, but all the other conveniences and pleasures of life; such as health, strength, bodily pleasures, &c. And an action that will supply us with any of these, is what he calls by the name of a profitable one.

[g] He says *seems to be*, because however it may supply us with the conveniences of life, yet it is not really, but only *seems to be* profitable, if it thwart honesty. For honesty being the greatest, if not only good, as he before laid down, whatever takes away our honesty, must needs be unprofitable for us, though it should supply us with all the pleasures and glories of the world, as he shews at large in the third book.

[h] Having thus laid down his five heads of deliberation, he tells you in what method he designs to discourse of them. In the first book he will handle the two about honesty: first, Whether an action be honest or dishonest? to c. 43. Secondly, Of two that are both honest, which is the most so? to the end. —In the second book he treats of profitable, enquiring first, Whether an action be profitable or not? to c. 25. Secondly, Of two that are both profitable, which is the most so? to the end.—The whole subject of the third book is the fifth head. When a seeming profit interferes with honesty, how a man should do to know what is his duty? I have added something to the text here, to make the method more plain.

under these two enquiries: Whether the thing proposed be honest or dishonest? and, Of two that are honest, which is the most so? which will make up the subject of our first book. We shall treat in our second of profit or interest under the same heads. And lastly, in our third we shall endeavour to shew, When a seeming advantage and honesty come into competition, how a good man should determine his judgment.

CHAP. IV.

The excellence of the nature of man, above that of brutes. How the several virtues, Prudence, Justice, &c. are agreeable to its dictates, and result from them. Wherein Honestum *in general consists.*

THE first thing to be taken notice of is this[1], that every creature doth by nature endeavour to preserve its own self, its life and body; and to shun and avoid those things which appear prejudicial and hurtful to it; but to seek and procure whatever is necessary for the support of its being, and advancement of its happiness, such as food, shelter, and the like. There is likewise common to all sorts of animals, a desire of copulation, for the continuance and propagation of their several

[1] His design he has told us is, to treat of the means for attaining man's happiness. Now the happiness of any thing is the highest perfection of its nature, which consists in acting most agreeably to its dictates: as that is a perfect horse or dog, which does those things best, which are most according to the natures of those animals. The duties therefore, of which he is to treat, since their design is to bring men to happiness, must needs be such as are perfective of, and consequently such as are agreeable to, the nature of man. And to shew that they are so, and how they are deduced and derived from it, it was necessary for him, in the first place, to shew wherein the nature of man consists, and how he differs from that of other creatures; which is therefore the design of this chapter. See his *de Fin.* book ii. c. 14. and book v. c. 9, 10, &c.

species; together with a love and concern for their young ones. Now there is this special difference between men and brutes; that the latter are governed by nothing but their senses, never look any farther than just to what strikes and affects them at present, and have a very little, or hardly any concern for what is past or to come: but the former are creatures endowed with reason, which gives them a power to carry their thoughts to the consequences of things, to discover causes before they have yet produced their effects; to see the whole progress and even the first seeds, as it were, and appearances of them; to compare like occurrences with like, and by joining what is past and what is to come together, to make a just estimate of the one from the other; whereby they are able at once to take a view of their whole lives, and accordingly to make provision for the necessities of them. And the same force of reason makes all men by nature to love one another[k], and desire an intercourse of words and actions. It begets in them likewise a somewhat extraordinary love and affection for their own children[l], and strongly inclines them to frequent public meetings, and keep up societies one amongst another. For the same reason also they are very industrious to provide for the necessaries and conveniences of life; and that not only for themselves in particular, but for their wives, their children, and others whom they have a kindness for, and are obliged to take care of; which concern is very proper to rouse up the spirits, and make them more vigorous and active in business. But of all the properties and inclinations of men, there is

[k] How justice or the virtues, relating to human society, such as liberality, good-nature, gratitude, &c. are agreeable to the dictates and principles of human nature.

[l] That is, much greater than that which brutes have for their young ones; one is the effect of only natural instinct; the other of reason together with it: the one lasts but a little while, till the young is able to shift for itself; the other till death: the one prompts brutes only to take care of the bodies of their offspring; the other men to take care of the minds of theirs, by instructing them in principles of virtue and honesty, &c.

none more natural and peculiar to them, than an earnest desire and search after truth[m]. Hence it is that our minds are no sooner free from the thoughts and engagements of necessary business, but we presently long to be either seeing, or hearing, or learning of something; and esteem the knowledge of things secret and wonderful as a necessary ingredient of a happy life. From whence it appears that nothing is more agreeable and suited to the nature and minds of men, than undisguised openness, truth, and sincerity. Next to this love and affection for truth[n], there follows in the soul an impatient desire and inclination to pre-eminence; so that whoever has the genuine nature of a man in him, will never endure to be subject to another, unless he be one that instructs or advises, or is invested with a just and lawful authority for the benefit of the public. From whence there arises a greatness of soul[o], which sets it above all the petty concerns and trifling enjoyments of this present world. It is another, and that too no mean prerogative of our reasonable nature, that man alone can discern all the beauties of order and decency[p], and knows how to govern his words and actions in conformity to them. It is he alone, that of all the creatures, observes and is pleased with the beauty, gracefulness, and symmetry of parts in the objects of sense; which nature and reason observing in them, from thence take occasion to apply the same also to those of the mind; and to conclude that beauty, consistency, and regularity, should be much more kept up in our words and actions; and therefore command us, that nothing be done that is effeminate or unbecoming; and that so

[m] Prudence, or the virtues relating to truth, such as wisdom, knowledge, plainness, &c. agreeable to nature.

[n] How fortitude, or greatness of soul, is agreeable to human nature.

[o] For this desire of rule, and being subject to nobody, makes a man scorn to be a slave either to his own passions or inclinations, or part with his liberty to any one else, for the sake of honours, preferments, &c. See c. xx.

[p] Decency, modesty, &c. derived from the dictates and principles of nature.

strict a guard be kept over every thought and action, as that no lust or filthiness be either conceived or practised by us. From these inclinations and instincts of nature, arises and results that *honestum*[q] we are seeking for; which however little valued and esteemed it may be, is nevertheless virtuous and amiable in itself; and which we may justly say, though it were commended by no one, is yet in its own nature truly commendable.

CHAP. V.

The admirable beauty of honesty. Four general heads of it, from which all the several duties arise; and what the object of each of them is, about which it is employed.

THUS, son Marcus, have I given you a rough draught, and just the outlines, as it were, of honesty; which could she be seen in her full beauty with mortal eye, would make the whole world (as Plato has said) be in love with wisdom[r]. Now whatever is contained under the notion of honesty, arises from one of these four heads; first, a sagacious enquiry and observation for the finding out of truth, which may be called by the general name of prudence. Secondly, a care to maintain that society and mutual intercourse which is between men; to render to every man what is his due;

[q] Honesty then in general is nothing else, but the acting according to the dictates and inclinations of nature or right reason; and consists of four general virtues; Justice, or the keeping up society and intercourse among men; Prudence, or the contemplation of truth; Courage, or greatness of soul; and Temperance, or the virtues of decency, modesty, &c. of each of which he discourses afterwards in particular.

[r] For what else is it but only wisdom, that leads us to the attainment of virtue and honesty? Or rather indeed what else is wisdom, but virtue and honesty itself? He therefore, that can behold the glorious beauties of honesty, must needs fall in love with wisdom, which indeed is nothing but honesty itself; it being impossible for any one to be wise, who is not at the same time virtuous and honest; knavishness and roguery being always the greatest folly.

and to stand to one's words in all promises and bargains; which we call justice. Thirdly, the greatness and unshaken resolution of a truly brave and invincible mind; which goes by the name of magnanimity or fortitude. And lastly, a keeping of our words and actions within the due limits of order and decency; under which are comprehended temperance[s] and moderation. Now every one of these several heads, though they all have a mutual connection and dependence on one another[t], has yet its particular *classis*, as it were, and respective set of duties arising from it.—From that, for example, which is mentioned first, and under which prudence and wisdom are contained, arises the duty of seeking, contemplating, and finding out of truth, which is the proper and peculiar business of those virtues: for it is then, and then alone, that we justly esteem a man prudent and wise, when we find that he is able to see and discover the truth of things; and of an active, vigorous, and piercing mind, to give an account of the reasons of them; so that it is truth that is the proper object of both these virtues, and that about which they are only concerned[u].

[s] He doth not therefore restrain temperance, as Aristotle did, and we in our language do, to observing a mediocrity in eating, &c. but makes it belong to all the other virtues, and set them their bounds, which if they pass they degenerate into vices. It is the business of prudence, for instance, to search out truth; but this may be done intemperately, i. e. too much, &c. It is the work of temperance therefore to determine how far, and after what manner it ought to be sought for; in which sense the word is to be understood, as also proportionably its opposite *intemperantia*, in other places of this and other authors: so *intemperantia Pausaniæ*, is his pride and insolence, in *Corn. Nep.*

[t] This is true of the virtues in the state of perfection: for he who is virtuous to that degree, must have a perfect prudence [See note *d.* c. iii.] and by consequence must act prudently, i. e. virtuously, as well in one as another case. As we know whoever is honest out of a principle of conscience, will be honest in every thing; and will not think it enough to be just and bountiful, but will also be true, sincere, &c.

[u] See page 18, note *b*.

The other three heads more peculiarly belong to the active life, and their business lies in procuring and keeping what is useful and necessary for the preservation of it; as in holding up mutual love and correspondence among mankind; in an elevated greatness and strength of mind; which appears, as in getting things profitable and pleasant for ourselves and dependents, so more especially in despising and being above them. Then as for the last, viz. order, uniformity, moderation, and the like, it is plain they belong not only to contemplation[x], but have also a respect to our outward actions; since from keeping of these within the bounds and limits of order and moderation, we are said to observe what is virtuous and becoming.

CHAP. VI.

Prudence or contemplation of truth, the first of the general virtues, is the nearest allied to the nature of man. Two cautions concerning it. It ought to give place to the duties of the active life. What it ought especially to be employed about.

HAVING thus explained how the whole nature and power of honesty is deduced from some one of these four parts; we are now to discourse of them each in particular[y]. And, first, of Prudence, which is wholly taken up in the knowledge of truth, and has the nearest affinity of any with the reasonable nature of man. For how are we all of us drawn and enticed with the desire of wisdom? How noble and glorious a thing do we imagine it to excel in knowledge? And how mean and reproachful do we count it on the other hand, to slip, to be in an error, to be ignorant, or to

[x] Not but that they are seen in contemplation too; for there is such a thing as moderation to be observed, even in our searches after truth; but they are seen more especially in our outward actions.

[y] I have added something to the beginning of this chapter, to make the connection with the foregoing plainer.

be imposed upon? In gratifying this so natural and virtuous inclination in the mind of man, there are two grand faults to be carefully avoided: the first is an over great hastiness and rashness in giving up our assent, presuming that we know things before we really do so. Whoever desires (as I am sure all ought) to avoid this error, must in all his enquiries allow himself time, and diligently consider the matter with himself, before he proceeds to pass his judgment upon it. The second fault is, that a great many men bestow abundance of study, and a world of pains, upon very difficult and obscure subjects; and such as perhaps, when they are found out, are of but very little, or no concernment. Would men but be careful to shun these two mistakes, whatever study or pains they might spend upon virtuous, worthy, or profitable subjects, it would not without reason be highly commended. Thus Caius Sulpicius[z] was heretofore praised for his skill in astronomy; Sext. Pompeius[a], since my memory, for his in geometry: many have been famous in the study of logic, and more in that of the civil laws: the more peculiar business of all which parts of learning is the finding out of truth[b]. No man, however, should be so taken up in the search of truth, as thereby to neglect the more necessary duties of the active life: for after all is done, it is action only that gives a true value and commendation to virtue. Not that we are able to be always a doing without intermission, but often retire

[z] C. Sulpicius Gallus, Prætor of Rome, An. U. C. 581, and the year after, tribune of a legion under P. Æmilius, in the great Macedonian war, where, by his astronomy, he foretold to the Roman soldiers an eclipse of the moon, so that they were not at all disheartened; whereas the enemy, who knew nothing at all of such an appearance beforehand, were extremely terrified at it. Livy, book xliv. c. 37. Plutarch's Æmilius. Cicero often mentions him.

[a] Uncle to Pompey the Great; several times mentioned by our author, for his great skill in geometry, philosophy, and the civil laws.

[b] The immediate end of all these sciences indeed is truth; not but that they may any of them be applied to action: as Sulpicius's astronomy, for example, was.

from business to study; beside that the mind, which is in perpetual motion and agitations[c], of itself will supply us with study and thinking, whether we set ourselves to it or not. In a word, the general aim and design of our thought, and application of mind, is either the attainment of such things as are honest, and tend to a virtuous and happy way of life[d]; or else the improvement of our reason and understanding in wisdom and knowledge. And this may suffice for the first of our general heads of duty.

CHAP. VII.

The second general virtue, which consists in maintaining of human society. Two parts of it, justice and liberality.—The first duty of justice. All things at first common. The original of property. Men are born for the good, &c. of one another; whence arises the second duty of justice.—Two sorts of injustice, the one of commission, the other of omission. The causes of the first sort of injustice; first, fear; secondly, desire.

OF the other remaining three, that which consists in upholding society[e], and keeping up mutual love and

[c] What great use might be made of this continual activity of the soul, if instead of spending it (as too many do) upon frivolous, useless, and wicked subjects, it were constantly employed upon some virtuous, useful, or necessary enquiries?

[d] This is no more than the ordinary school-division of the understanding into practical and speculative; the former considers things in order to practise, as, whether good or bad, honest or dishonest, tending to a happy or miserable life; the latter only in order to knowledge, whether they are true, or not true, without any direct tendency to practise at all. The former is only prudence, the latter knowledge: by which it appears in what sense he takes the word truth, when he says it is the object of this virtue, viz. not only for truth, as opposite to falsehood in speculation, but as comprehending under it that which is truly good and honest, as opposite to vice and dishonesty.

[e] Which may be called justice in a larger signification of that word, as it takes in all the duties men owe to one another, which is the second general head he mentioned; and compre-

good-nature amongst mankind, seems of the largest and most diffusive extent. It comprehends under it these two parts: first, justice, which is much the most glorious and splendid of all virtues, and alone entitles us to the name and appellation of good men: and, secondly, beneficence, which may also be called either bounty or liberality. Now the first thing that justice requires of us is this; "That no one should do any hurt to another, unless by way of reasonable and just retribution for some injury received from him: and whatever belongs either to all in common, or particular persons as their own propriety, should not be altered, but made use of accordingly[f]." Now no man can say that he has any thing his own by a right of nature[g]; but either by an ancient immemorial seizure, as those who first planted uninhabited countries; or, secondly by conquest, as those who have got things by the right of the sword; or else by some law, compact, agreement, or lot. It is by some of these means, that the people inhabiting Arpinum[h] and Tusculum came to have those

hends under it justice strictly so called, and liberality or kindness one to another; of which he begins to treat, c. 14.

[f] The word *deinde* doth not denote a second duty of justice, but only the second part of the first duty, of doing no wrong. The meaning is, that of things which are common, he should content himself with his reasonable share; and those which are appropriate to particular persons, he should suffer to remain in the state they are without disturbance. The word *suus* signifies here, as in many other places, the same thing with *proprius*.

[g] He supposes all things at first to have been common, like the room in a theatre, or other such place; and, as in these, he who first gets a place has a right to it, and cannot be fairly turned out of it; so he imagines it to have been in old time. Not that the seizure of itself gives a right, but the tacit agreement amongst mankind, that what any man had first possessed himself of should be his own property. See *Grot. De Jure B. ac P.* book ii. c. 2.

[h] Cicero himself was born at Arpinum, a mean place in Italy; hence, by his enemies in contempt, called Arpinas. He had a noble country-house at Tusculum, another town not far from Rome, whither he often retired, and where he wrote five books of philosophy, thence called his Tusculan Questions.

lands, which are now called theirs; and the same may be said as to private men's estates[i]. However, since at present, by some of these ways, each particular man has his personal possessions, out of that which by nature was common to all, it is but reason that each should hold what is now his own; which if any one endeavour to take away from him, he directly breaks in upon common justice[k], and violates the rights of human society. "But seeing (as is excellently said by Plato) we are not born for ourselves alone; but that our native country, our friends and relations, have a just claim and title to some part of us;" and seeing whatsoever is created on earth, was merely designed (as the Stoics will have it) for the service of men; and men themselves for the service, good, and assistance of one another; we certainly in this should be followers of nature[l], and second her intentions; and by producing all that lies within the reach of our power for the general interest, by mutually giving and receiving good turns, by our knowledge, industry, riches, or other means, should endeavour to keep up that love and society, that should be amongst men. Now the great foundation of justice is faithfulness[m], which con-

He therefore uses the examples of these two places, because his son was acquainted with them.

[i] *Descriptio* signifies a draught of any land, or the like, in order to every man's having his due share: the meaning is, that private men came to their estates by the like sort of distribution or allotment, as towns and cities did.

[k] *Quicquid jure possidetur* (says Quintil.) *injuria aufertur;* whatever any man is in the rightful possession of, cannot be taken from him without injustice; since every one then has a right to that, which is now his own, though it were originally common, no one without injuring him can dispossess him of it again.

[l] He now comes to the second duty of justice, which is, *to do all the good we can;* as the first was *to do no wrong.*

[m] Justice is the rendering to every man his due; which no one can do without being true to his word, and conscientiously performing all promises, oaths, bargains, &c. For he that promises, &c. to another, makes himself a debtor of something to him, which he may demand as a kind of due. It is the business of faithfulness to see this paid: so that justice is, as it were, built upon faithfulness, as its basis and foundation.

sists in being constantly firm to your word, and a conscientious performance of all compacts and bargains: whereupon, for this once, let us venture to follow the opinion of the Stoics, those mighty admirers of derivations, and believe that *fides* [faithfulness] is so called, though perhaps it may seem a little too far fetched, *quia fiat quod dictum est*, because what was promised is performed. The vice that is opposite to justice is injustice[n], of which there are two sorts: the first consists in the actual doing an injury to another; the second, in tamely looking on while he is injured, and not helping and defending him, though we are able. For he that injuriously falls upon another, whether prompted by rage, or other violent passion, does as it were leap at the throat of his companion; and he that refuses to help him when injured, and to ward off the wrong if it lies in his power, is as plainly guilty of baseness and injustice, as though he had deserted his father, his friends, or his native country. Now that former injustice[o], which consists in the wilful and actual wronging another, has oftentimes no other cause but fear; when he, who designedly does a man an injury, is afraid lest himself should be forced to undergo one, if he does not secure himself by doing it beforehand. But generally speaking, the great source and fountain of all such injustice is the satisfying some irregular and exorbitant appetite[p]; and in a more especial manner, the desire of riches; of which we shall therefore say something in particular.

[n] Having laid down the two great duties of justice, and the foundation of it; he now proceeds to its opposite vice, injustice, of which there are two sorts, and the causes of it.

[o] The causes of the first sort of injustice, viz. of commission, first, fear. Not but that it is lawful, if I see another taking up a sword, and plainly perceive he is going to stab me, to stab him beforehand to prevent my own death, if I cannot possibly escape any other way. But this must be very certain and apparent; a bare fear or suspicion that another designs me an injury, not being a sufficient reason why I should do him one.

[p] A second cause of this injustice, the satisfying of some irregular desire; as, first, that of money, of which in the next chapter.

CHAP. VIII.

The desire of riches, which is one cause of injustice, whence it proceeds. It is allowable enough, so long as it does not draw men to the injuring of others. The desire of honours, &c. another cause of injustice. It usually is found in men of the greatest minds. There is a difference to be made between those injuries that are done hastily and in a passion, and those that proceed from premeditated malice.

RICHES then are most commonly desired, either to supply us with the necessaries of life, or furnish us with the pleasures and conveniences of it; or else, as it often is observed to happen in persons of great and aspiring minds, as a means of obtaining an interest in the public, and a power of obliging and gratifying one's friends; to which purpose was that saying of the late Marcus Crassus[q], that whoever designed to be a leading man in the commonwealth, ought never to think he had estate enough, till he could maintain an army[r] with its yearly revenue. Others take pleasure in splendour and magnificence, in a handsome, noble, and plentiful way of living: all which things have begot an insatiable greediness after money, without which they can never be supported and maintained.

[q] A noble and wealthy, but very covetous Roman, twice Consul with Pompey the Great, whom Vell. Paterc. calls *Invictum par Consulum*. He was made Proconsul of Apulia, where he quelled Spartacus, ringleader of the slaves, and put an end to the servile war. At last he, with Pompey and Cæsar, divided the whole Roman empire between them, and made the first triumvirate. Here the East falling to his share, he made war upon the Parthians, out of a desire of money; but was conquered and slain by them, and had melted gold poured down the throat of his dead body. His life is written by Plutarch.

[r] A Roman army was four legions, each consisting of six thousand foot, and three hundred horse; two of these legions were given to each Consul every year. The monthly pay of an army came to about 25,000 pounds; by which it appears what an estate Crassus desired to keep one whole year.

Not but that a moderate desire of riches, and bettering a man's estate, so long as it abstains from oppressing of others, is allowable enough; but a very great care ought always to be taken, that we be not drawn to any injustice by it. There is another desire[s] that makes men as apt to be forgetful of justice, as that after riches; the thirst, I mean, of empire, glory, honours, &c. For that saying of Ennius[t], There is no inviolable faith or friendship in the matter of a kingdom, though applied by him to that one case only, is yet fully as true in a great many others; for wherever the subject of contention is such, as that only one party can meet with success, and the rest must fall short of what they desire; things are usually carried to so great a height, as that it is very difficult not to break in upon faith and friendship. This hath appeared but too manifestly of late, in that rash and most impudent attempt of Cæsar's[u]; who has broken through all those ties and obligations, that either by gods or men could be laid upon him, for the compassing and getting of that dominion to himself, which he had vainly proposed in his depraved imagination. But in this case, it is one very great unhappiness, that the thirst after honour, empire, power, &c. falls most upon men of the greatest souls and most exalted natures; wherefore the greater care ought to be taken, that nothing of offence be committed in this kind[x]. Now it

[s] A second desire, that is very often the cause of injustice, is, that of honour, glory, &c.

[t] A famous ancient Latin poet, born at Rudiæ, a town in Calabria, thence by our author called *Rudius homo*, in his oration *pro Archia*. He was very familiar with Africanus Major, the wise Lælius, ato Censorius, &c. which last brought him first to Rome. His works are lost, except some fragments preserved by Cicero and others.

[u] Julius Cæsar, who, ambitious of the empire, raised a civil war against the senate and Pompey the Great; whom he conquered in the Pharsalian field. See an account by himself in his Commentaries.

[x] For we should increase our care according to the greatness of our danger; and where we are likely to be most violently assaulted, there we should place the strongest guard.

makes a great difference in all acts of injustice, whether they proceed from some violent passion, which is for the most part of short continuance, or are done with design and previous deliberation: for those that are the effects of a sudden gust of passion, ought not to be esteemed of so heinous a nature, as those that proceed from premeditated malice. And this may suffice for the first sort of injustice, which consists in the actual doing of wrong, and the causes of it.

CHAP. IX.

Injustice of omission, and the causes of it. Those are guilty of it, who spend their whole lives in study and contemplation, as some philosophers have done. Justice ought to proceed from choice. Those who mind nothing but their own business are guilty of this injustice. Self-love hinders men from seeing their duty. An excellent rule for the avoiding of all injustice.

AS for the second[y], which only consists in seeing another injured, and being wanting to our duty, by not defending him; the causes of that are wont to be several. For some are afraid of offending others, or of bringing a trouble and charge upon themselves: others are negligent, idle, or mean-spirited: and a third sort there is, who are so taken up with their own concerns, that they have no time left to regard the oppressed, whom yet it is their duty to save and protect. I am therefore of opinion, that Plato's consequence will hardly hold good, where, speaking about the philosophers, he says, "they are wholly taken up in "the seeking out of truth, and perfectly neglect and "make light of those things, which the rest of the "world are so eager after, and so contend about; and

[y] He comes now to the second sort of injustice, that of omission; the causes of which are, first, fear of giving offence, of charge, &c.

"that therefore they are just." This, I say, I am afraid is a bad consequence; for though, it is true, they keep the first sort of justice[z], inasmuch as they actually do no wrong; yet they run perfectly counter to the other; for being engaged in their learning and studies, they abandon their friends to be injured by others, whom in justice they ought to have protected and defended. So that it is believed, they hardly ever trouble themselves so far, as at all to intermeddle with the business of the public, if it was not altogether, as it were, forced upon them. But it were a great deal better would they do it voluntarily; for an action, though honest[a], is not therefore truly virtuous, unless it be done out of choice, and with a good-will. There are others[b] yet, who out of a desire of improving their own estates, or else a morose and unsociable sort of temper, cry, "they meddle with nobody's business but their own," that so they may seem to be men of strict honesty, and to injure nobody; and they do indeed avoid the one sort of injustice, but directly run themselves into the other; for they desert the common good and society of mankind, while they bestow neither study, pains, nor money toward the preservation of it. Thus have I laid down the two sorts of injustice, and pointed out to you the causes of each; and have also endeavoured to explain the true nature and extent of justice; from all which account it will be easy to judge, unless we are extremely fond of our own ease, what those several duties are, which at several times are re-

[z] In c. 21. he puts two cases, wherein he thinks these men may be excusable: 1. If their genius lie very much toward learning, &c. 2. If they are of weak constitutions, so as to be unable to meddle with public affairs; as Scipio's son was.

[a] The moralists make a distinction between doing an *honest* action, and doing it *honestly*, *honestum*, and *honeste agere*. He that pays another his due, does an *honest* action; but he does not do it *honestly*, if against his will, and by compulsion of laws.

[b] Another cause of this sort of injustice, a morose unsociable temper, &c.

quired of us. I say, unless we are fond of our own ease; for the truth of it is, it is a troublesome thing to be concerned in the business of other people; however old Chremes[c] in Terence thinks, "that he ought to be concerned for the good of all men." But be that as it will, forasmuch as the success of our own affairs, whether good or ill, more nearly concerns us, and makes us more sensible, than that of another's, which appears to us small, as a thing at a great distance; therefore we pass a quite different judgment upon the one and the other. And, upon this account, it is a very good rule that is given by some men, "that we should never venture upon any action, of which we doubt whether it is honest or dishonest." For honesty quickly would shew itself by its own native brightness; and the doubting about it is a plain intimation, that at least we suspected some injustice when we did it.

[c] *Terence's Heautontimoroumenos*, act i. scene 1. Chremes expostulating with Menedemus for working so very hard, the other asks him, What he has to do to meddle with another's business; to which he answers, *Homo sum, humani nihil a me alienum puto;* I am a man, and accordingly ought to be concerned in whatever relates to the welfare of any man; which good-natured sentence, St. Austin tells us, was applauded by the whole theatre. We are all fellow-members, and, as we observed, c. 7. born for the service, good, and assistance of one another, it being the fundamental principle of the law of nature, that every man should seek the good and welfare of the whole society, and every member of it, as well as his own private and particular interest. *Omnis homo est omni homini proximus, nec ulla cogitanda est longinquitas generis, ubi est natura communis*, says the forecited Father.

CHAP. X.

Justice is altered upon an alteration of circumstances; and what was our duty in one case to do, in other circumstances it is our duty to avoid. Promises are not to be stood to in several cases, as, if they are prejudicial; if made through fear, &c. A close adhering to the words of a law, or bargain, is a means of being unjust: craft in such cases to be diligently avoided.

BUT here it is observable, that the limits of justice[d] are not so fixed, but that they may be altered upon an alteration of the circumstances; so that what at one time appears to be the duty of an honest and good man, at another is altered and becomes the quite contrary; to deliver up a trust, for example, or perform a promise, and other things relating to truth and faithfulness, are duties which justice itself will allow us, in several cases, to neglect or omit[e]: for respect must be had to those general rules we before laid down, as the ground and foundation of all justice. First, that no injury be done to any other: and, secondly, that we make it our earnest endeavour to promote the good and interest of all mankind: so that our duty is not always the same, but various, according to the variety of circumstances[f]. There may be a contract or pro-

[d] Having given an account of the nature of justice, and injustice, with the causes of this; he proceeds to shew, how in several cases, that which is usually a part of justice, upon an alteration of circumstances, becomes the contrary. For as a thing may be pleasing to the palate, or healthful to the body in some circumstances, which is not so absolutely; as a cup of bad water to one in extreme thirst; so may an action which generally speaking is vicious and unreasonable, as the breaking one's promise, or the like, in some certain cases become honest and agreeable to right reason.

[e] The word *migrare* signifies transitively here, as in some other places of this author: so *migrare communia jure* signifies to transgress or violate them.

[f] By *ea tempora*, I suppose, he means those cases or circumstances; for so he often uses the word in this work. He had just been saying, that nothing must be done contrary to the two great rules of justice before given; and then he adds,

mise, for instance, the performance of which would bring very great damage, either to the person himself that made it, or the other party to whom it was made. Thus, had Neptune not granted what he promised to Theseus[g], Theseus had not suffered the loss of his son Hippolytus. For, as the story goes, Neptune having granted him any three wishes, for the third he once in a very great passion desired the death of his own son; by obtaining of which he was afterwards brought into the greatest afflictions. Such promises therefore are not to be kept[h], as will but bring a mischief on him they were made to; no more are those which tend to the damage of the promiser[i] himself, more than to the profit of him they were promised to.—Again, even justice[k] itself requires us to perform a

Ea cum tempora commutantur, that is, when the case is such, as that the keeping one's promise, or the like, would be acting contrary to one of those rules, that is, would be a great injury to him that made it, or to him to whom it was made, as he explains himself afterwards; then our duty is altered, and we are bound not to keep it; because if we should, it would be a breach of the fundamental rule of that virtue. This is the first case wherein a man is not obliged to be as good as his promise.

[g] See c. 25. book iii.

[h] Because the keeping of them would be an offence against the first rule of justice, not to do any wrong: and it may be supposed the person to whom they were made, had he seen such a mischief ensuing, would not have demanded it. See c. 24, 25. book iii.

[i] Because it is presumed the person who made such a promise, had he thought of such a damage likely to come of it, would not have made it. We promise as men who are not infallible, and cannot provide against every thing that may happen; wherefore we are supposed not to promise any further than what we now know; and should any extraordinary thing happen in the mean time, it is to be taken as a thing which we tacitly excepted. But here we must proceed very warily and cautiously: this will hardly hold good in the case of a promissory oath, where God himself is called to witness. See *Grot. de Jure B. ac P. Puffendorf, &c.* upon this whole subject.

[k] Another case wherein a man is dispensed from keeping his promise, is, when some greater duty requires his attendance in the mean time.

greater before a lesser duty: you promise, for example, a friend of yours, to assist him in a cause that he has depending, but your son grows dangerously sick in the mean time; here it would be no breach of duty[l] in you, if you should not make good what you promised to your friend; and he himself rather would be much to blame, should he complain of being disappointed by you. Farther, it is plain to any one's sense, that such sort of promises can never be binding as are made by people over-awed by fear, or overreached by deceit[m]; most of which are void by the Prætor's edicts[n], and some of them even by the laws themselves. But another great spring from which injuries arise, is some quirk or cavil, and an over-subtle and malicious interpretation of the laws; from whence that saying, *Summum jus summa injuria, the height of justice is the height of roguery,* is now become a daily and common proverb among us. There are frequent examples of this to be met with in our public transactions; as that of him, for example, who concluding a truce with the enemy for thirty days, made continual incursions into their territory by night; because, forsooth, the truce was not made for so many nights, but only so many days. Just such a crafty and pitiful trick, if the story be true, was that notable cunning of Quintus Fabius Labeo's; or whoever the man was, for I have it only by hear-say, who being by the senate appointed arbitrator in a difference between those of Nola and Naples[o] about their bounds; when he

[l] Because to take care of a son's life, is a greater duty than to assist a friend: and therefore ought to take place before it.

[m] Another case wherein a man is not obliged to perform his promise is, when he was forced to make it through fear, or drawn to it by some deceit. See the forecited authors.

[n] The laws being delivered only in general terms, and not being able to descend to all particular cases, it was in the power of the Prætor or Judge to supply that defect by his edicts and authority.

[o] Two cities in Italy, about fourteen miles distant from one another.

came to the place that was appointed for the treaty, took aside the commissioners of either party, and exhorted them privately not to be too eager and greedy in their demands, but rather to take up and content themselves with less, than pretend to any more than what was honestly their due. Both parties did so according to his desire, so that a good quantity of ground was left between them; this he even goes and adjudges to the Romans, leaving that to each party which they themselves had demanded. And is not this now to deceive and cheat, rather than to judge? In all cases therefore such subtle kind of tricks should be diligently avoided.

CHAP. XI.

Justice to be kept towards all sorts of men. Bounds to be observed in punishing those that have injured us. Laws of war to be strictly observed. Two sorts of disputing, by reason and by the sword; the latter is allowable, when we cannot obtain what is our right by the former. What ought to be the end of making war. How it should be carried on. The strictness of the old Romans in observing the laws of war. A story of the elder Cato to that purpose.

THERE are certain duties[p] or offices also to be strictly observed, even towards those that have injured us; for we ought not to go beyond such and such bounds, in exacting revenge and punishment of another: in which particular it may, perhaps, be enough to make him that has wronged us repent of the wrong done; so that both he himself may abstain from the like, and others may be discouraged from injuring us for the future. There are certain peculiar laws of war[q]

[p] After having discoursed of the nature of justice, &c. he proceeds to shew, that we ought to practise it towards all sorts of people; as, first, even towards those who have wronged us.

[q] In the second place we ought to shew justice to our ene-

also, which are of all things most strictly to be observed in the commonwealth; for there being two sorts of disputing in the world, the one by reason and the other by open force; and the former of these being that which is agreeable to the nature of man, and the latter to that of brutes; when we cannot obtain what is our right by the one, we must even of necessity have recourse to the other. It is allowable therefore to undertake wars, but it must always be with design of obtaining a secure peace. And when we have gotten the better of our enemies, we should rest content with the victory alone, and shew ourselves merciful and kind to them afterwards, unless they are such as have been very cruel, and committed inhuman barbarities in the war. Thus our forefathers took into their city the Æquians, Volscians, Sabines[r], and others whom they had subdued; whereas Carthage and Numantia[s] they entirely destroyed. I could wish I might not add Corinth[t] too; but I believe they had something in their eye when they did it, and that more especially the situation of the place; which being so very convenient as it was, they were afraid lest it might be at one time or other an encouragement to revolt. In my opinion it is always our duty to do what we can for a fair and safe peace; in which thing if people would have

mies; first, by not entering upon a war, but upon very just and good grounds. Secondly, by carrying it on fairly, and being ready to accept of a reasonable peace. Thirdly, by shewing mercy to the conquered, after we have gotten the victory. The words therefore *Inter arma silent leges*, must be taken in a very restrained sense, so as to mean the civil and judiciary laws, not those of nature and justice towards enemies. See *Grot. Prolegom. ad Lib. de Jure B. ac P.*

[r] Several little nations in Italy, all conquered by the Romans.

[s] The former a city in Afric, the latter in Spain; both taken by Scipio Africanus the younger.

[t] A famous and rich city in Achaia, placed exactly in that neck of land, which separates Peloponnesus, or the Morea, from the rest of Greece. Hither St. Paul wrote two of his epistles. It was taken by Mummius, the Roman Consul, and rased to the ground, because of some affront the Corinthians had given to the Roman ambassadors.

hearkened unto me[u], we might at this time have seen the Republic, though, it is true, I cannot say in a flourishing condition, yet certainly not as at present we perceive it, entirely subverted and fallen into ruins.—And as we are bound to be merciful to those whom we have actually conquered; so should those also be received into favour, who have laid down their arms, and thrown themselves wholly upon the general's mercy; and that even though the breach be made in their city walls. Our good forefathers were most strictly just as to this particular; the custom of those times making him the patron of a conquered city or people, who first received them into the faith and allegiance of the people of Rome. In short, the whole right and all the duties of war are most religiously set down in the Fecial[x] laws; out of which it is manifest, that never any war can be justly undertaken, unless satisfaction have been first demanded, and proclamation of it made publicly beforehand. Poppilius was commander in one of the provinces, and Cato's son a young soldier under him; and Poppilius thinking fit to disband one of his legions, it happened to be the same in which the young man was, who therefore was dismissed among the rest of the soldiers: but having a mind to see more of the war, he notwithstanding this continued still in the army. Hereupon old Cato writes a letter to Poppilius, and therein desires him, "That if "he suffered his son to remain in the army, he would

[u] In the civil war between Cæsar and Pompey, Cicero always laboured for a peace and agreement between the parties; but to no purpose.

[x] The Feciales were a sort of priests or heralds among the Romans, established by Numa, whose business it was to determine all cases about the lawfulness of war; about leagues, ambassadors, &c. They were sent to demand satisfaction of the people that had offended; they denounced or proclaimed wars; and, in short, nothing of that nature could be done without their advice. Cicero gives us an account of their duties in his *De Leg.* ii. 9. *Fœderum, pacis, belli, induciarum judices Feciales sunto, &c.*

"give him his military oath[y] again; forasmuch as the "former being void by his disbanding, he could not "any longer fight lawfully with an enemy:" so religiously careful they were in those days, of doing nothing that is contrary to the laws of war. There is extant still an epistle of Cato the father to his son, in which he tells him, "That he had heard of his being "disbanded by the Consul, when he was a soldier in "Macedonia, in the war with Perseus[z]: and therefore "he advises him not by any means to intermeddle in a "battle; because, he says, it is unlawful for one that "is no longer a soldier to engage with the enemy."

CHAP. XII.

The civility of the old Romans towards their enemies in giving them the mildest names. Some wars are only for empire, others for safety; difference of conduct to be observed in each. A noble and generous saying of King Pyrrhus.

AND here I cannot but observe moreover, that he who is properly called *Perduellis*, a stubborn enemy, had by our ancestors the name of *Hostis* given him; the gentleness of the word somewhat lessening the foulness and odium of the thing: for *hostis*, an enemy, among them signified the same thing that *peregrinus*, a stranger, does now amongst us; as appears from the laws[a] of the XII Tables, and therein such

[y] An oath that was given to the soldiers, when they went out to war, called *Sacramentum*, by which they were obliged to be faithful to their general, &c. See the form of it in Livy.

[z] The last king of Macedonia, beaten and led in triumph by Paulus Æmilius, the Roman consul, about the year of Rome 586. See Plutarch's Life of Æmilius.

[a] The body of the ancient Roman laws, which were gathered from the wisest laws of all the Grecians, by the Decemviri created for that purpose, about the year of Rome 301. See the history of them in Livy, book iii. c. 33, 34. where he calls them *fons omnis publici, privatique juris*; and our author in his

sort of expressions as these, *Status dies cum hoste*[b]; and *Adversus hostem æterna auctoritas.* What greater courtesy could be shewn than this, to call even an enemy by only the softest and most obliging names? Though the word is now altered, I confess, from that mild to an harsher sense; custom having changed it from what it first properly signified, a stranger, to denote such a one as bears arms against us. We have told you already[c] what previous causes and conditions there should be, before any war can be lawful and just; the same are required even in those wars also, which are undertaken merely for glory and empire; but then all contests of this latter sort should be carried on with less heat and animosities; for as in the differences that happen among citizens, we make a distinction between a violent enemy and a generous rival, in one case nothing but a title of honour, in the other our lives and reputations being concerned; so did our ancestors do in their wars. That which they waged with the Cimbers[d] and Celtibers[e], was managed as with hateful and implacable enemies; the question then being, not whether of the two should remain a conqueror, but whether should remain a people at all;

first book *de Orat.* prefers them for wisdom before whole libraries of philosophers.

[b] These are the words of two laws taken out of the XII Tables. See *Charondas de Leg. XII. Tab.* The meaning of the first is, that whoever has got any business at law with a stranger, shall appoint a day beforehand for the decision of it, that so he may have time to make his appearance. Of the second, though a stranger had possessed a man's estate never so long, he should have no title to it by way of prescription; but the rightful owner, after never so many years, should have authority and power to demand it of him again.

[c] In the foregoing chapter.

[d] A barbarous and savage northern people, who made an inroad into Italy, and put the Roman state into a very great fear; but at last were routed by Marius and Catullus. See Plutarch's Life of Marius.

[e] A valiant and hardy people, who from that part of Gaul which was called Celtic, near the river Ligeris, went into Spain, and there settled upon the river Iberus; whence called Celtiberi. Numantia was their capital city.

whereas those with the Latins, Carthaginians, Pyrrhus[f], &c. were only quarrels about honour and dominion. The Carthaginians were perfidious and treacherous; Hannibal their great commander cruel; but all the rest more faithful and merciful. That speech of Pyrrhus is indeed very extraordinary upon restoring the captives, when he says,

> I neither gold of you nor price demand[g]:
> Nor will I chaffer, but fight out the war:
> Let steel, not gold, to each their fate decide.
> Whether to you, or me dame Fortune will
> The vict'ry grant; or what the chance of war,
> Shall courage try. And this I add withal,
> That freely I their liberties restore
> To these brave men, whose lives the war has spar'd,
> Freely I give; do you as freely take,
> I' th' name of th' mighty gods.

A truly royal and princely saying, and worthy of the glorious family of the Æacidæ[h].

[f] A king of Epirus, who made war upon the Romans, and routed them several times, for the sake of the Tarentines, who called him to their assistance. His life is written by Plutarch.

[g] This is quoted out of the poet Ennius.

[h] The descendants of Æacus, one of the judges of the dead; whom the poets make son of Jupiter, and father of Peleus, who was father of Achilles; from whom this Pyrrhus of Epirus was derived.

CHAP. XIII.

Particular persons bound in justice to keep the promises made to an enemy. The example of Regulus. The story of ten who did the contrary. How punished by the Romans; particularly one who thought to have escaped by a quirk. A noble instance of the Roman justice to King Pyrrhus.—Justice to be kept towards the meanest slaves. Two ways whereby injuries are done, fraud and force. Fraud the more odious. To be a rogue under the mask of honesty, the greatest of villanies.

IT is also the duty of particular persons[i], if at any time forced by the necessity of their circumstances, they have made any promise or oath to an enemy, afterwards to see that they perform it faithfully. Thus Regulus[k] was taken in the first Punic war by the Carthaginians, and sent by them to Rome about an exchange of prisoners, upon solemn oath given that he would return to them again; first then, as soon as he was come to Rome, he advised the Senate against making such an exchange, and when he had done so, though begged on to stay by his friends and relations, rather returned to a certain punishment than his oath should be broken, though made to an enemy. But Hannibal in the second Carthaginian war, after our fatal defeat at Cannæ[l], sent ten to Rome under the same obligation of returning again, unless by their interest they could prevail with the Senate to redeem their prisoners; who were all by the censors deprived of their privileges as freemen, and tied to pay such and

[i] Thus far in general of public justice to an enemy: he now proceeds to say, that justice obliges particular persons too, if at any time they have made any promises to their enemies, afterwards to perform them faithfully.

[k] See book iii. c. 27.

[l] A little village in Apulia, where the Romans under the conduct of Paulus and Varro, were overthrown by Hannibal, the Carthaginian general.

such duties to the public as long as they lived, for not being true to their oaths and obligations. There was one of them thought by a trick to have eluded the force of his oath, but was nevertheless punished for all that: his shift was this: Hannibal had let them depart his camp upon the condition afore mentioned; when therefore they had gotten a little way out of it, what does he do, but come back to it again, under colour of having forgot to take something, I know not what, with him: and then away he goes out again, discharged, as he thought, from his obligation of returning. And so it is very true he was in word, but not in reality; for in all such oaths we are not to attend to the mere form of words, but the true design and intention of them. But the greatest example of justice to an enemy was shewn by our ancestors towards King Pyrrhus: there came a deserter out of Pyrrhus's camp[m], and offered the Senate to dispatch him with poison; which they and Fabricius were so far from accepting of, that they gave him up again as a traitor to his master. Thus we may see, that they would not allow any unjust way of dealing, though for the death of a powerful and invading adversary: and so much for the duties required in war. There is one part of justice[n] remaining behind, and which ought by no means to be forgotten by us; I mean that towards the lowest and meanest sort of people: and these are more especially those we call our slaves; in relation to whom, it is a very good rule that is given by some men, that we should use them no otherwise than we do our day-labourers, make them first do their work, and then pay them honestly what they have earned. In fine, to close up this discourse of justice, there are two ways or methods, whereby one man may injure or oppress another; the one is fraud and subtlety, the other open force and violence;

[m] See c. 4. and 22. of book iii.

[n] He has shewn there are rules of justice to be observed towards those that have injured us, and our very enemies: here he proceeds to a third sort of people they are to be observed towards, viz. slaves.

the former of which is esteemed the part of a fox, and the latter of a lion; both of them certainly very unworthy of a reasonable creature, though fraud, I think, is the more odious of the two. But of all injustice, theirs is certainly of the deepest dye, who make it their business to appear honest men, even whilst they are practising the greatest of villanies.

CHAP. XIV.

Of liberality, the second part of general justice. Three cautions to be observed concerning it. It is not liberality, to bestow upon one what is wrongfully taken from another; nor what ought to have rather been given to our relations; nor to give out of vain-glory. Bounty should be proportioned to the merit of the receiver, which is of several sorts.

WE have now gone through with the subject of justice; it remains in the next place, to go on according to our method proposed, that we say something likewise of bounty and liberality[o], than which there is nothing more nearly allied to the nature of man. But then we must observe these following cautions; first, that we take care in all acts of bounty, that they be not prejudicial[p] to those we would oblige by them, nor to any other body. Secondly, that we do not in our bounty and liberality go beyond our estates. And, thirdly, that we duly proportion our kindness, according to every man's merit and deserts. And first[q]

[o] In c. 7. he divided justice, taken in its largest extent, into justice strictly so called, and liberality; having now finished his discourse upon the former of these, he proceeds to the latter in this chapter, about which he first lays down three cautions.

[p] As those who lend or give money to young spendthrifts, to help them forward and encourage them in their ill courses, or the like; which is really a very great injury to them.

[q] Having laid down his three cautions, he proceeds in order to say something upon each of them. I take the *id enim*

of the former, which is grounded upon the great and fundamental principle of all justice, to which this duty in all its particular instances should be referred.—For he who pretending to do one a kindness, does that which is really a prejudice to him, is indeed so far from being kind and obliging, as that he ought to be counted a most pernicious flatterer; and to do any manner of injury to one, that you may shew your generosity and bounty to another, is just one and the same sort of roguery and injustice, as to enrich yourself by the spoils of your neighbour. Yet this is the fault of a great many people, and especially those who are desirous of glory, to take away from some, that which justly belongs to them, that so they may have to bestow upon others; and they are apt to think themselves extremely bountiful, if they enrich their adherents by any manner of means. But this is so far from being a duty of liberality, that nothing in the world can be more contrary to it. It ought to be therefore our first care in giving, that what we bestow be a real advantage and kindness to our friend, and no ways an injury to any third person. That action therefore of Cæsar and Sylla's[r], in taking away estates from the rightful proprietors, and giving them to others, who had nothing to do with them, ought by no means to be accounted liberal; for nothing can ever be truly such, that is not at the same time just and honest. A second[s] caution to be observed was this: that our bounty be not suffered to exceed our abilities;

therefore to refer to his first caution, that our bounty be not really a prejudice to any one; for to do no wrong he laid down before, (c. 7. and 10.) as the first fundamental principle of justice. His caution was, that our bounty should not be hurtful, and here he gives his reason for it, *id enim*, &c. i. e. for not to hurt or injure any body is the first and fundamental rule of justice, which justice ought to be the measure of bounty; nothing being liberal, as he afterwards observes, but what is agreeable to the rules of justice.

[r] The first after he had conquered Pompey the Great; and the second after he had conquered Marius in their civil wars.

[s] Here he comes to his second rule to be observed in giving.

for they who give more than their estates will allow of, are, in the first place, injurious to their own relations[t], by spending that wealth upon other people which should rather have been given or left to them. Beside that this over-great bounty in giving is usually accompanied with an answerable desire and greediness of getting; which often proceeds even to downright oppression, that so men may have wherewithal to supply this extravagant humour. One may also observe in a great many people, that they take a sort of pride in being counted magnificent, and give very plentifully, not from any generous principle in their natures, but only to appear great in the eye of the world; so that all their bounty is resolved into nothing but mere outside and pretence, and is nearer of kin to vanity and folly, than it is to either liberality or honesty. The third caution[u] was, that our bounty should be proportioned to the merits of the receiver: in judging of which, we are first to consider the man's honesty or manners; secondly, the good-will he bears towards us; thirdly, the nearness of relation, or society that is between us; and, lastly, the benefits we have formerly received from him. It is desirable that all these inducements might concur in the same person, but when they do not, we should bestow our kindness more especially on him, in whom we find the most and weightiest of them.

[t] For it is our duty in the first place to provide for our relations, and those who more immediately depend upon us. See the latter end of c. 17.

[u] The third caution to be observed in giving—*the merits*, &c. These are to be judged of from four heads, which he treats of in order.

CHAP. XV.

Honesty, the first sort of merit. We are not to expect we shall find perfectly good men. Modesty, temperance, &c. more especially to be regarded. How we should judge of men's good-will towards us. Gratitude a most necessary duty. We should imitate fruitful fields, by returning more than we have received. How to judge of the value of any kindness: those to be least esteemed that are done rashly and inconsiderately. We should do most for those that stand in greatest need, if they are otherwise deserving.

NOW seeing we do not live amongst such as are perfectly and fully wise[x], but such as are thought to have done very well, if they are but, as it were, the rough draughts of virtue; we ought to consider, I think, in the first place, that no one should wholly be neglected in this case, in whom there appears any shadow or resemblance of real honesty; but that those men ought to be principally regarded, who excel in the quiet and more peaceable virtues of modesty, temperance, and especially this justice[y], of which I have now been discoursing a great while. For most times greatness of spirit and courage[z], unless it be in those who are perfectly wise and virtuous, is something too hot and apt to boil over; the others are the virtues, which seem more peculiarly to constitute a good man. And so much for the first sort of merit to be considered, viz. the manners or honesty of the person we would be kind to. The second[a] was, the good-will which he

[x] The first thing we are to judge a man's merits by, is his honesty or good manners; in which particular we are not to stay, till we find perfectly good or wise men.

[y] From c. 7. He takes justice here, as in several other places, in the larger sense, as it contains liberality, gratitude, &c.

[z] This he gives as a reason of what he just now said, that modesty, &c. should be most regarded.

[a] Here he proceeds to the second of his four grounds of merit, the good-will, &c.

bears towards us; as to which it should always be our principal care, to do most for him, by whom we are most beloved: now in judging of the good-will that any one bears us, we are not to consider, like boys and children, any sudden flashes and heats of passion, but rather a constant and well settled affection. But if a man, in the next place[b], has done us any real service, so that our part is to make a requital, and not first to lay an obligation upon him, it is then our duty to take some greater care; for of all the virtues, there is none we are more necessarily obliged to, than gratitude. If then, according to Hesiod's[c] rule, even that which was no more than barely lent us, is, if possible, to be returned back with interest again; what abundant returns should we make to those by whom we have been freely and generously obliged? What less can we do than be like fruitful fields, which produce beyond comparison more than was thrown into them? And if we do services even to those men, from whom we hope afterwards to receive any favours; ought we not much more to do the same to those, from whose forward kindness we have already received them? For the virtue of liberality containing under it these two parts; in the first place, the doing a kindness to any one; and, secondly, the requiting it when done to us; whether we will perform the former or not, is altogether left to our own choice; but every good man[d] is obliged to the latter, whenever he can do it without

[b] This is the fourth thing to be considered in judging of a man's merits, the benefits, &c. He discourses of this in the third place, because, I suppose, the next will take up so much room, that if this had come after it, it would have looked too far distant from the other two foregoing.

[c] An ancient Greek poet, born at Ascra, a town in Bœotia, thence called Ascræus Senex. Some think he was older than Homer, though Paterculus makes him a hundred and twenty years younger. His works are still extant.

[d] Every good man is obliged to be charitable too, according to his abilities, as well as grateful; but with this difference, that he can choose whether he will bestow his kindness upon this, or that, or the other person; but he is bound to return to those very men by whom he was obliged.

injustice[e]. But then we are to make a distinction between benefits, and are *there* bound to make the most ample returns, *where* the obligations we have received are the greatest. And to judge of the merits of any kindness, we are chiefly to consider in what manner it was done; as whether freely, considerately, and from a principle of good nature. For several people do many things rashly, and with a blind sort of impulse; throwing away their favours upon all without distinction; being hurried about, as it were with a tempest, by every mad and frolicsome humour, and every sudden or impetuous passion. A benefit therefore, when received from such a one, is not to be esteemed of an equal value with those that proceed from a settled judgment and due consideration. But our principal duty, both in doing of kindnesses and making requitals, is to do most for those that stand in greatest need of it, supposing all circumstances else to be equal; the contrary to which appears plainly in the practice and actions of the most part of men; for, people choose to bestow their favours upon those from whom they expect to receive the most benefits, though the persons perhaps do not at all stand in need of them.

CHAP. XVI.

We should be most ready to give to those who are most nearly allied to us. The first sort of alliance is that between all men in general. The bond of it, and duties resulting from it. We are bound to do for any man what will be a kindness to him, and no prejudice to ourselves; but with this caution, that we do not thereby make ourselves unable to assist those, who are more nearly allied to us.

THE fourth[f] inducement remaining to be spoke to,

[e] Otherwise not; nothing being liberal in this sense of the word, as it comprehends gratitude, that is not just.

[f] He now proceeds to the fourth, but third placed (see c. 14.) ground of a man's meriting of us, the nearness, &c. I have added some words to the beginning of the chapter, to make the connection with that foregoing appear the better.

is, the nearness of relation, or society that is amongst men; for the maintenance of which, we cannot do better, than to give most to those that stand nearest related to us. But that we may consider, with greater distinctness, the natural principles of human society, we shall here trace it down from the fountain head. The first thing then to be taken notice of is this. That there is such a thing as a fellowship or society between all men in general[g]: the bond or cement that holds this together is reason and discourse, which by teaching, learning, communicating one with another, &c. easily make men agree together, and unite them all in one natural sort of conjunction and community. Nor does any thing set us at a greater distance from the nature of beasts; for we oftentimes talk of the courage of them, such as lions and horses; but never a word of their equity, justice, or goodness: and why is this, but because they are destitute of reason and discourse[h]? This is then the largest and most comprehensive of all societies, being made up of men considered barely as such, and so taking in even the whole race and kind of them one with another; the duties[i] of which are,

[g] The first and most comprehensive society is that which is between all men, considered barely as they are men: by which we are obliged to do all those things, which we call acts of mere humanity, such as doing good to another, when it will be no prejudice to ourselves, which by the moralists are called *Res innoxiæ utilitatis*, of which he gives several instances in this chapter.

[h] Reason and discourse are the bonds of society; where they are wanting therefore, there can be no society, and by consequence no justice, equity, &c. which are the virtues that consist in preserving society.

[i] The duties incumbent on us by virtue of this society are, first, to let every one have a share in those things, which by nature are common; and what these are, he tells us immediately. Secondly, not to break in upon another's property. Thirdly, in those things which are made our own, and become a property, to be communicative, &c. What he means by *E quibus ipsis, &c.* I confess I do not very well understand, neither do any of the commentators tell me; but I take the meaning of it to be as I have translated it: so that *quibus* should relate to *quæ descripta sunt legibus*, the things that are every one's own

to let every one have a share in those things, which by nature were produced for the common advantage and benefit of all; to let what is already determined by laws and civil constitutions remain as it is, without breaking in upon any man's right; as to which things however we should remember a rule, which is now among the Greeks become an usual proverb, "All things in common amongst friends." But perhaps you may ask, what kind of things we suppose them to be which ought to be common to all mankind: Ennius has given us one instance of them, which may easily be applied to a great many others:

> He that directs the wand'ring traveller,
> Doth, as it were, light another's torch by his own;
> Which gives him ne'er the less of light, for that
> It gave another.

By this one case he sufficiently teaches us, that whatever kindness can be done for another, without any damage or loss to ourselves, it is our duty to do it, though to never so much a stranger. From hence have arisen those general maxims and principles of humanity, "not to deny one a little running water; or, "the lighting his fire by ours, if he has occasion; to "give the best counsel we are able to one who is in "doubt or distress:" which are things that do good to the person that receives them, and are no loss or trouble to him that confers them. Such things therefore, being by nature common, should accordingly be kept open for the free use of all men; and of those which are our own we should always be giving something that may contribute to the benefit and welfare of the whole. But because the revenues[k] of particulars are

by laws: concerning which his first rule was, that we should not break in upon another's right; and then as to all other cases about them, he only puts us in mind of the Greek proverb, the meaning of which is, that we should all count ourselves friends to one another, and practise accordingly.

[k] He puts in a necessary caution about giving, and letting our things be in common; which he would have us carry no further than Ennius's rule prescribes; that is, we should not be

small, and there are infinite numbers of those that want, therefore is this universal bounty[1] to be kept within the limits prescribed by Ennius, "it gives him ne'er the less of light;" that so we may have it still within our power to be liberal to those who are more nearly allied to us.

CHAP. XVII.

Several other degrees of relation, less extensive than that mentioned in the former chapter. That of friendship the most closely knit. The ground and foundation of true friendship. The relation arising from doing kindnesses to one another. The love a man has for his native country swallows up all other loves whatever. Which of the several relatives we ought to prefer in our liberality and doing kindnesses. A description of friendship; and of all friendships which is most pleasant.

BUT there are several degrees[m] of society and fellowship amongst mankind; for to take now our leave of that general and universal one already mentioned, there is a nearer among those who are all of the same country, nation, or language, than which nothing more knits and unites men to one another. There is a closer yet among those who are all of the same city; for a great many things are in common to fellow-citizens, such as markets, temples, walks, ways, laws,

so communicative and open-hearted to all in general, as to impoverish ourselves, and put it out of our power to assist those, who are more nearly allied to us. We must light indeed another's candle by ours, but not so as to lose our own light by it. Here we must proceed by the measures of prudence and charity.

[1] Viz. That of always giving something out of what is our own, for the general benefit.

[m] He now proceeds to reckon up the several degrees of nearness of relation amongst men; that so we may know to whom we are obliged to be most liberal, upon this last account of merit, viz. nearness of relation.

privileges, courts of justice, freedom of votes, besides common meetings and familiarities, and abundance of business and intercourse with one another. But there is a stricter bond of alliance still between those who belong to the same family, as taking into it but a very small part of that vast and immense one of all mankind: for there being by nature implanted in all things a certain desire of begetting their like, the closest and nearest of all societies is between man and wife; then follows that between them and their children, and afterwards that of the whole family, who inhabit together and have all things in common; which is, as it were, the first beginning of a city, and ground or seed-plot of a whole commonwealth. Next to this comes the bond of relation between brothers, as also between first and second cousins; who growing too numerous to live in the same house, are sent out to others, as it were into new colonies. Next after this follow marriages and alliances, and so a new stock of relations that way; from whence comes a new propagation and offspring which serves to give rise, as was said, to commonwealths. Now that nearness of blood, and the natural love which arises from it, cannot but endear men to one another, is past all doubt; it is a very great matter to have the same relics[n] and monuments of our ancestors, to make use of the same religious ceremonies[o], and be laid, after death, in the same place of burial. But of all the societies and unions amongst men, there is none more excellent, or more closely knit, than when such as are men of real virtue and honesty, from a certain agreement and likeness of their manners, contract a familiarity and friendship

[n] The images, &c. of their ancestors, which were kept for the honour of all the family, into how many branches soever divided.

[o] Private sacrifices or ceremonies belonging to such or such families in particular, which the public in general was no ways concerned in: *Cui præter cognatos et affines nemo interponebatur*, says Valer. Max. book ii. c. 1. And Livy speaks of a *statum Genti Fabiæ Sacrificium*, a solemn sacrifice belonging to the Fabian family, book v. c. 46.

one with another. For virtue and goodness (as we often observe) of necessity moves us wherever we see it, and makes us all have a love and respect for that person in whom we discover it. And as every virtue thus wins upon our hearts, and even forces us to love those we take to possess it, so more especially do justice and beneficence. But when several persons are all like one another in honesty and good manners[p], then no society can ever be more loving, or more closely united. For where there are many of the same humour, and same inclinations, every one sees, in some measure, his own self, and is accordingly delighted in the person of another; and that is brought about, which Pythagoras thought the perfection of all friendship, that a great many severals are made into one. There is another remarkable fellowship or community, arising from an intercourse of doing and receiving benefits; which, while it is kept up by a mutual gratitude and kindness of all the parties, cannot but occasion a firm and very lasting agreement between them. But when we have gone over all the relations that are in the world, and thoroughly considered the nature of each, we shall find that there is no one of greater obligation, no one that is dearer and nearer to us, than that which we all of us bear to the public. We have a tender concern and regard for our parents, for our children, our kindred, and acquaintance, but the love which we have for our native country swallows up all other loves whatsoever; for which there is no honest man but

[p] Every man has a kindness for himself, and is in some measure pleased with his own qualities and way of living; when therefore he sees another with the same qualities, and that follows after the same way of life, he presently conceives him as it were another self, and is accordingly pleased with him too; which seems to be the reason why like (as we say) loves to join with like. When several therefore have the same virtues and perfections in them, every one is pleased with all the rest, as with himself, and they all become (as it were) one and the same person, which is what Pythagoras thought the perfection of friendship. See *Aristot. Eth. Nicom.* book viii. c. 4. from which this seems to have been taken.

would die, if by his death he could do it any necessary service. How detestable then must the wickedness[q] and barbarity of those people be, who have mangled and rent this their native country by all manner of villanies, and have made it their business[r] (nay, and still do so[s]) to bring it to ruin and utter desolation?—Now if there should happen any contest or competition between these relations[t] which of them should have the greatest share of our duty, we should pay the first regard to our country[u] and parents, from whom we have received the most endearing obligations; the next to our children and family, who all have their eyes upon us alone, and have nobody else they can depend upon; next in order to these come our kindred and relations, whose fortune is generally the same with our own. To each of these therefore, whom I have just now mentioned, we most of all owe what is necessary for their subsistence: but then, as for living and eating together, for mutual advising, discourse, exhortation, comforting, and sometimes (if occasion serves) rebuking[x], friendship is the prosperest soil for them; and of all kinds of friendship, there is none so pleasant as that which is cemented by a likeness of manners.

[q] For the greater obligation they had to their country, the greater their wickedness was in destroying it.

[r] He means Julius Cæsar.

[s] Mark Anthony and his adherents.

[t] Having thus laid down the several relations that we have in the world, he proceeds to shew, how we should carry ourselves in them; by giving the preference to our country, &c.

[u] Before even our parents; for the welfare of these is contained in, and depends upon, that of our country; which should it be ruined, our parents and every thing else must of course follow after it.

[x] Solomon therefore incomparably well, Prov. xxvii. 6. calls rebukes the wounds of a friend; which he says are faithful, while the kisses of an enemy are full of deceit.

CHAP. XVIII.

In liberality the necessity of the person is especially to be considered. Some kindnesses due to some relatives more than to others. Rules signify but little of themselves, unless they are confirmed by practice and exercise. Greatness of soul, the third general virtue, most glorious and splendid of them all. Is most of all praised, and its contrary dispraised among men.

BUT in all these duties of beneficence and liberality[y], one principal thing to be taken notice of is, what necessity the person we would be kind to lies under, and what he is able or not able to do without our assistance; so that in some cases, the present posture and circumstances of a man's condition ought more to prevail with us, than the degrees of relation. Again, there are certain particular offices, which are more peculiarly owing to some one sort of relatives, than they are to another: in the business, for example, of getting in his corn, it is our duty rather to assist a next neighbour[z], than either a brother or familiar friend; but if the business be a case at law, then a kinsman or friend must rather be defended, than only a next neighbour. These things therefore, and such like circumstances, should be well considered, in the practice and exercise of every virtue; and our minds should be brought to a kind of acquaintance and familiarity with them, that so we may be quick at the accounts of our duty, and able, by casting up all things together, to see at last what the remainder is, and know what we owe to the several sorts and conditions of men. For as a general,

[y] He has shewn towards whom and how we ought chiefly to exercise our liberality; but because particular circumstances may make some alteration, he gives us a rule or two for our direction about them.

[z] Because getting in corn is a thing that more peculiarly seems to be a part of neighbourhood; and has nothing to do with friendship and kindred, &c.

orator, or physician, however well skilled in the rules of his art, can never be perfect without the assistance of practice and experience; just so it is in the case now before us: many have laid down the rules and precepts of virtue and good-living, (as I myself am doing at this very time,) but there is moreover required to a due degree of height and perfection in it, that one accustom himself to the exercise of them. And thus have I shewn how virtue and honesty, from which all our duty does immediately flow, are deduced from those things which concern the society and good of mankind; which was the second general I proposed to discourse of.

It is to be observed[a], that whereas there were laid down four general heads, from which all virtue and honesty is derived, whatever proceeds from a brave and exalted mind, that is raised above fortune and all the little chances and accidents of the world, is usually made most account of amongst men. Hence in reproaches we find there is nothing more common than such things as these.

> For shame! Young men, and yet have women's hearts!
> While this brave woman plays the man——

Or something like this,

> Dear Salmacis[b], give spoils that cost no sweat or blood!

Whereas, on the contrary, in praises or panegyrics, those things that are done with a bravery of mind,

[a] Having finished his discourse about justice, the second; he goes on to fortitude, magnanimity, or greatness of soul, the third of his general heads of virtue; of which he observes in the first place, that it is more glorious and splendid in the account of the world, than any of the rest.

[b] Salmacis was the name of a nymph presiding over a stream, which was said to soften and effeminate those that washed in it. [See the fourth book of *Ovid's Metamorph.*] These words are spoken by way of reproach to some coward, and mean no more than that he is for no spoils but only those of women, that cost no wounds, &c.

and have something of extraordinary courage in them, (I know not how,) we commend in a nobler and loftier strain, than we do any thing else. Hence Marathon, Salamis, Plateæ[c], &c. are so common a field for all the rhetoricians: hence our Cocles[d]; hence the Decii, the Scipios, Marcellus, and a great many others; and especially the people of Rome itself, are particularly famous for greatness of courage. But the value that is set upon military glory, appears from this, that almost all statues are done in the habit and garb of a soldier.

CHAP. XIX.

Courage is not truly a virtue, unless it be accompanied with justice, truth, &c. An excellent definition of it given by the Stoics. An admirable saying of Plato to the same purpose. Men of great souls are apt to be ungovernable and ambitious; which prompts them to injustice. A man of a truly noble spirit never injures another, but protects from injuries, scorns applause, and the voice of the ignorant multitude.

BUT that sort of courage[e] which is seen in the dangers and fatigues of war, unless a man be governed by the rules of justice, and fight for the safety and good of the public, and not for particular ends of his own, is altogether blameable; and so far from being a part of true virtue, as that it is indeed a piece of the most barbarous inhumanity. Fortitude is therefore very well

[c] Places where the Grecians with a great deal of courage conquered mighty armies of the Persians. See Corn. Nepos's *Miltiades:* Plutarch's *Themistocles and Aristides.*

[d] The names of several extraordinary Romans, who by their courage contributed much to the raising of that empire; and therefore were very much applauded by posterity.

[e] Fighting stoutly, and undergoing dangers, is not enough to give a man the name and reputation of valour, unless he do it in a good cause, by fair means, &c.

defined by the Stoic philosophers, when they call it, "a virtue contending for justice and honesty[f]." No man therefore by baseness and treachery has ever got the name and reputation of true courage, for nothing can ever be virtuous or creditable that is not just. To which purpose that of Plato was admirably well said, "As that sort of knowledge, which is not directed by "the rules of justice, ought rather to have the name of "design and subtilty, than wisdom and prudence; just "so that bold and adventurous mind, which is hurried "by the stream of its own passions, and not for the "good and advantage of the public, should rather "have the name of fool-hardy and daring, than va-"liant and courageous." The first thing therefore I would have in a truly courageous man is, that he be a follower of goodness and fair dealing[g], of truth and sincerity; which are the principal and constituent parts of justice. But here it is one very unhappy thing, that most times these great and exalted minds are naturally ungovernable and desirous of rule: so that what Plato observed of the Spartans, that all their customs had no other aim, but to get the superiority, may fitly enough be applied to these persons: for the more any man has of this greatness of soul, the more

[f] It is not true courage therefore to be bold in vice; nor is it a sign of a faint-hearted spirit; to be afraid of committing what indeed is a fault: there are some things (as Aristotle well observes) which a man of true courage ought to fear, and it is a shame for him not to do it. It were well if this could be considered by some men, who think it a brave and heroic piece of greatness, to live in open defiance of the laws, and let the world see they are not afraid of the gallows: who defy heaven out of a mere bravado, and affront the Almighty, that they may not seem such cowards as to be afraid of hell. The truth of it is, there is hardly any thing occasions more evil in the world, than men's having false notions of this virtue; and would they but take this definition along with them, they would not talk so much of being courageous in doing ill, nor call others men of low, mean, and pitiful souls, for not daring to be villains.

[g] These words must be taken in a limited sense, not as though cunning and stratagem were unlawful, but only as exclusive of perfidiousness and treachery.

eager he is of being a sharer in the government, or rather of obtaining it wholly to himself: and it is no easy matter to be fair and equitable in all one's actions, which is the proper and peculiar office of justice, while one is endeavouring to make himself uppermost. From hence it comes to pass, that they never will be conquered in any debates, nor over-ruled by the laws and constitutions of the public; but make it their business by factions and bribery to get a strong party and interest in the republic; and rather choose to be uppermost by force and injustice, than equal to others by fair and upright dealing. But the difficulty of it can only serve to make it more honourable, but never its contrary more excusable[h]: for no sort of case or circumstance whatever can excuse any man for being guilty of injustice. Those are therefore your truly brave and courageous men, not who rob, plunder, and injure others, but those who secure and protect them from injuries. But that greatness of mind which is truly such, and, under the direction of wisdom and prudence, makes that honour and credit, which we naturally desire, not consist in the outward imaginary applause, but in the real intrinsic goodness of its actions; and is not so eager of appearing to be greater and better than others, as of really being so. For he that is so mean as to depend upon the giddy and ignorant multitude, ought never to be accounted of a truly great and exalted spirit; besides that, there is nothing so easily draws men to acts of injustice, as a loftiness of mind, when joined with this foolish desire of ap-

[h] I have added these words to my author, because the sense seems plainly to require them, or something like them. He had just been saying, that men of great souls are naturally apt to run into injustice, for the raising of their fortunes; and that it is very difficult for them not to do so; but fearing lest this should be urged as an excuse for them, he takes care to prevent it by saying, that the difficulty of it enhances the credit; and then adds *Nullum est enim*, &c. which words seem to give a reason why the difficulty of adhering to justice in this case, will by no means serve to excuse injustice: for, says he, *no sort of case, &c.*

plause. This is indeed a very dangerous place[i], and requires our greatest concern and watchfulness; because you shall hardly find any man, who, when he has gone through labours and difficulties, does not expect this honour and applause, as a kind of reward for his courage and achievements.

CHAP. XX.

Wherein true greatness of soul consists. An excellent description of it. It is an enemy to covetousness, to the desire of applause and of power. Produces a calm and unpassionate mind. The desire of this calm and tranquillity of mind, has made some men retire, and separate themselves from public business. In what a perfect freedom consists.

NOW all true courage and greatness of mind[k] is more especially seen in these two things: the first is a generous contempt or disregard of all outward goods[l],

[i] That is, he that has gotten this loftiness of mind, is in very great danger of being desirous of applause, (very few being otherwise) and by consequence of falling into injustice: and therefore he ought to be the more careful as to this particular.

[k] Having shewn in the former chapter what the requisites of true courage are, viz. justice, truth, &c. that it is opposite to ambition, vain-glory, and ungovernableness, &c. he goes on now to shew wherein it consists, and what those things are, which it is concerned about.

[l] Such are riches, honours, commands, &c. which it is the part of the greatest soul not to be a slave to. We call a soul either great or little, according to the things which we find it affected with; there being always a proportion between the faculties and the object. Thus children that have gotten but little souls, are concerned about little and trivial objects; which afterward, as their faculties enlarge, they come to leave off and despise by degrees. He therefore is a man of true fortitude and greatness of soul, who is concerned about none but the greatest objects, viz. virtue and vice, happiness and misery: who is above all lesser concerns in the world, such as pleasure or pain, riches or poverty, &c. and never suffers himself so much to regard them, as either to be puffed up at the one, or

proceeding from an opinion, that it is unworthy of a man to admire, or wish for, or endeavour after any thing, unless it be that which is honest and becoming; to make himself subject to any one's will: to be a slave to his own irregular passions; or any ways depend upon the caprices of fortune. When he has gotten such a temper of mind as I have now been describing, then the second thing is, that he perform such actions as are glorious and profitable[m], but withal very full both of labour and difficulty; and extremely dangerous to his life itself; as well as to those things that are requisite for its preservation. Now all the lustre and dignity[n] of these two parts, nay, and I add all their usefulness too, is lodged only in the latter; but the ground-work, as it were, and foundation of all true greatness, is laid in the former. For in that are contained those generous principles, which exalt men's minds, and raise them to a contempt of all worldly things. But that former itself is made up of two parts; the first is an opinion that nothing is truly and really good, but only what is honest: the second, a freedom from all sort of passion or disturbance of mind. For what can more discover a man of a brave and heroic spirit, than to make no account in the world of those things, which seems so glorious and dazzling to the generality of mankind; but wholly to despise them, not from any vain and fantastic humour, but from solid and firm principles of reason and judgment? Or

dejected at the other. Hence he is never disquieted either with fears of evil, hopes of good, or any other passion; but however the world goes, can always keep an even temper of soul. From hence result uniformity and consistency or regularity in his life, &c.

[m] This is not necessary to all fortitude; for if it were, then those men who live a life of retirement, could never be said to have that virtue: which yet he affirms afterwards.

[n] It is the doing of great and profitable actions, that makes a man glorious and splendid and useful to his country; but it is that firm temper and resolution of mind, which is the cause that makes him venture to do such actions; which he therefore calls the *causa et ratio efficiens magnos viros*, which has something more in it than groundwork and foundation.

what can more shew a robust mind, and unshaken constancy, than to bear those heavy and numerous calamities, which are incident to mankind in this life, with such a firm temper and fixedness of soul, as never to offend against nature and right reason, or do any thing that is unworthy the dignity and character of a wise man? Now it would not at all be consistent or agreeable, that he who bore up so courageously against fear, should be afterwards unable to resist desire; or that he who could never be conquered by pain, should suffer himself to be captivated by pleasure.—These things therefore should well be considered, and of all desires[o], that of money should be avoided; for nothing is a greater sign of a narrow, mean, and sordid spirit, than to dote upon riches; nor is any thing on the contrary more creditable and magnificent than to contemn wealth, if you have it not; and if you have it, to lay it out freely in acts of bounty and liberality. The desire of glory, as I before observed, ought also to be avoided; for it robs a man wholly of his freedom and liberty[p], which generous spirits ought of all things in the world to maintain and contend for. Neither ought places of power to be sought after; but at some times rather to be refused when offered; at others, to be laid down if they can conveniently. We should free ourselves, in short, from all vehement passions and disorders of mind, not only those of desire and fear, but also of sorrow, of joy, and anger; that so the state of the mind may be calm and undisturbed, which will make the whole life become graceful and

[o] Since fortitude in great measure consists in a freedom from the passions, of which desire is one; from hence it follows, that whoever is taken with an over-great desire of any thing, offends against this virtue. For this reason he advises here against the desire of money, honour, &c. as vices opposite to greatness of soul. He brought them in before, c. viii. as causes of positive injustice.

[p] For who are greater slaves than those who stand for places? Or what servant more depends upon the beck of his master than the ambitious man upon the humour and good-will of the multitude?

uniform[q]. Now there both are and have been many, who, to gain this repose of which I am speaking, have betaken themselves to a life of retirement[r], and wholly withdrawn from all business of the public. Among these the noblest and most eminent of the philosophers; and some men of rigid and severe lives, who disliked the manners of the people or their governors; others have withdrawn themselves into the country, being pleased with the management of their own private fortunes. These men proposed the same end to themselves that kings and princes do, viz. the living so as to want for nothing; to be under the power and control of none, but to enjoy a full and perfect freedom; which consists in living so as one's self best pleases[s].

[q] By *constantia* here, as in most other places, he does not mean that which we commonly call *constancy;* but that which the poets call *consistency* in a character, i. e. an uniformity or agreement between all the parts of it, so that one doth not thwart and contradict another: which can never proceed from any thing else, but a perpetual subjection of the passions and appetites to the commands of reason. For the passions are irregular and inconsistent with one another; sometimes up and sometimes down; sometimes hurrying a man this way, other times that. See note on c. xxix.

[r] It was before observed, that this virtue consists chiefly in freedom from the disorders of mind, &c. This leads him to discourse of the several ways men have taken for the obtaining this repose; which are two, first, a retired and private way of living. 2dly, a greatness of power and authority. The former is either of philosophers or private gentlemen; and this last is either of war or peace. So that according to our author's sense we may make four sorts of fortitude, or rather four ways of life, in which this virtue appears. The first we may call contemplative or monastic, which consists in contemplation, and a bare conquest of the passions. The second rustic, in managing one's private estate well. The third civil, in wisely and prudently governing the state. And the fourth martial, in fighting bravely and well-carrying on the business of war. He gives rules about each of them in the following discourse.

[s] These words must be taken in a limited sense; not as though by *pleases* were meant what our passions or fancy may suggest, but what our nature or reason commands. We ought to be governed and ruled by this, and not by our lusts and sensual appetites; true freedom consisting, not in our being exempt from law, but in our being a law to our own selves; as a great author speaks.

CHAP. XXI.

Those who live a public and a private life aim both at freedom. Their lives compared: the former more useful, the latter more safe. In what cases a man may be excused from serving the public. Those ought to serve it who are qualified for the service. Greatness of soul more necessary for those in a public, than in a retired life. Two or three rules to be observed before a man enters upon business.

THIS then being the common design and end of them both, those who are ambitious of power and authority, think to obtain it by enlarging their fortunes and interests in the world; but these whom I have mentioned as men of retirement, by contenting themselves with their own condition, though but humble and mean. In which they are neither of them wholly in the wrong; but the life of the latter, I mean the retired, is both easier and safer, and begets less of trouble and disturbance to others, whereas that of the former, who give themselves up to affairs of state, and the management of great and important concerns, is more adapted to the benefit and good of mankind, and the getting of credit and reputation in the world. Those people therefore are perhaps excusable[1], who being of parts and capacities for learning, give themselves wholly to the study of it, and never at all meddle with public business; and so are those also, who being disabled by sickness and infirmities, or on any other good and allowable account, have separated themselves from the administration of affairs, leaving the power and reputation of it in the hands of others. But as for those people who have none of these reasons, and pretend to despise those commands and ho-

[1] Having said there are two kinds of life, viz. public and private, wherein men endeavour to arrive at this virtue, and compared them one with another; he shews that all are obliged to the former, as more useful to mankind; except in some cases mentioned.

nours, which most men admire; I am so far from thinking it a virtue in them, that I rather esteem it a very great fault. Thus far, it is true, one can hardly condemn them, in that they despise, and make little account of glory and applause; but their true reason seems to be rather this, that they do not care to suffer the labour and fatigue of them, and are afraid of encountering with rubs and repulses, as things that are attended with some shame and dishonour[u]. For you shall often find there are a great many men, who are very inconsistent with themselves in things of a contrary nature; as for pleasure, they despise it with all the severity of a stoic; but yet are so effeminate, as not to be able to bear the least trouble; are mighty contemners of fame and applause; but extremely concerned at any thing of disgrace: which are things that do not very well agree together[x]. Those people then, whom nature has endowed with abilities for that purpose[y], should forthwith endeavour to procure themselves places, and manage the business of the commonwealth; otherwise how should the city be well governed, or the greatness of their endowments be made known to the world? But that greatness of soul[z], and

[u] This he adds as a reason of the words immediately foregoing; he had just been saying, that retired men did well in despising and neglecting places of honour; but that withal they were afraid of shame and disgrace, which a man of a great soul ought not to be. This might seem odd, that one who despised honour, should yet be afraid of a little disgrace; to confirm it therefore, he presently adds, *For you shall, &c.*

[x] Viz. For a man to despise pleasure, and yet not be able to bear pain; or to contemn applause, and yet be afraid of being a little ill spoken of.

[y] Gentlemen therefore, and others, who have parts and abilities for that purpose, should not think they are born for themselves alone, but to serve their country, friends, &c. See c. 7.

[z] Having said that all who are qualified for it should serve their country, and endeavour after the public sort of fortitude; he lays down some rules in common for all those who take upon them any public trust, whether civil or military; such as are, to be free from passion, to see that what they undertake be honest, &c.

contempt of all human things, which we have often mentioned, together with that calmness and serenity of mind, is requisite in those of a public station, as much, if not more than it is in philosophers, if ever they hope to be free from anxieties, and arrive at any steadiness or uniformity in their lives. Now these things are easier to philosophers than to them; forasmuch as their lives being led in private, require for their support a less number of things, and have fewer within the power and reach of fortune: and if any ill accident should befal them, it is impossible their sufferings can be very considerable. Those men therefore that are in public stations, having things of more weight and importance to be taken care of, must in reason be supposed to lie much more open to the assaults of the passions[a], than those who spend their days in privacy and retirement. Upon which account they should take the more care to fortify themselves with this greatness of spirit, and to free their minds from the grievous torments and disturbances of them. But he who takes upon him a public trust, should not only look that the business be honest, but that he himself be qualified for the management of it. In considering of which there is a double extreme to be carefully avoided, that he neither despair through a mean cow-heartedness, nor yet be over confident through eagerness of desire. And lastly, in whatever he sets about, let all things be diligently and carefully put in order, before he goes on to the execution of it.

[a] Our passions are apt to rise in proportion to their objects; philosophers therefore, and those who live quiet and retired lives, having very little business or concern in the world, can have nothing so great, as very mightily to move either their hopes or their fears, &c. But your men of business being concerned in the affairs of a kingdom or state, must needs be more liable to the insults of these passions.

CHAP. XXII.

It is no less great and commendable to manage affairs of peace, than of war. Several examples to prove this. Arms useless abroad, without civil prudence at home. Cicero's eminent services to the republic. A saying of Pompey the Great to him upon that subject.

BUT seeing most people are apt to imagine, that it is greater and more glorious to manage affairs of war than peace; I shall endeavour to lessen this general opinion[b]. For the greatness of that glory, which is given to warriors, has made many people, for no other reason, desirous of quarrels; especially men of the greatest parts and most aspiring minds; particularly if they are qualified for a soldier's life, and their disposition carry them to the profession of arms. But if we would make a just estimate of the case, we should find both greater and more glorious actions done by wisdom at home, than by arms abroad. For what though Themistocles[c] be deservedly commended, and his name more illustrious than that of Solon[d]; and though Salamis be brought for the proof of a victory which is commonly preferred to the wisdom of Solon, in constituting and settling the senate of Areopagus; yet, in

[b] Before he lays down any particular rules about the several sorts of fortitude, he compares the civil and military together, and gives the preference to the former.

[c] A famous Athenian general, by whose prudence and conduct especially, the Greeks conquered Xerxes in that great battle at the island Salamis. See his life in Plut. and Corn. Nep.

[d] An eminent philosopher and lawgiver of the Athenians, one of the seven wise men of Greece, who is supposed by some to have first instituted their great council of Areopagus. His life is written by Plut. Aristotle indeed, and some others, tell us, that he did not first set on foot, but only confirmed the council of Areopagus, whereas he abolished most other things in the former constitution. For which reason Langius will have Cicero mean by the word *instituit* here, no more than *stabilivit* or *confirmavit*, confirmed or established.

truth, ought this to be judged no less great and extraordinary than that: for Themistocles's victory was only a service to the commonwealth once; but Solon's counsel will be so for ever: seeing it is by this that the laws of the Athenians, and constitutions of their ancestors, are kept up and maintained. Besides, Themistocles can name nothing in the world, wherein he assisted the Areopagus: but Solon on his part may truly say, that he, by his wisdom, was assisting to Themistocles; for the war was carried on by the directions of that senate, which he by his prudence at first appointed. The same may be said of Pausanias and Lysander[e]; for though by their valour they are thought to have enlarged the dominion of the Spartans, yet it is by no means at all to be compared with the laws and discipline of the wise Lycurgus[f]: besides, that it was solely to these laws and this discipline, they owed all the courage and obedience of their armies. I, for my own part, was always of opinion, that Marcus Scaurus[g], when I was a boy, was by no means inferior to Caius Marius[h]; nor Quintus Catulus[i], since I meddled with the republic, to Cneius

[e] Two famous Spartan generals, who got several victories over the Athenians and Persians, and made Lacedæmon the empress of all Greece. See their lives in Corn. Nep.

[f] A noble and most wise lawgiver of the Spartans, who, as long as they lived up to his discipline, were one of the bravest nations in the world. His life is at large in Plut.

[g] An excellent Roman Cos. about the year of Rome 632, and afterwards censor, about the time that Cicero was born.—He was father of that Scaurus, whose magnificent Ædileship he mentions afterwards. He was of great credit and authority in the senate-house, and is commonly called, *Princeps Senatus:* commended by all for his gravity, abstinence, &c.

[h] One who though of mean parentage, yet by his valour and courage raised himself to be seven times made Cos. of Rome. His life is in Plut.

[i] There were two of that name, father and son, very particularly famous, and often mentioned by our author, for their learning, wisdom, eloquence, &c. See his *De Oratore*, *Brutus*, &c. The father was Cos. with Marius, An. U. C. 651; and the year after being Proconsul, shared with him in the victory over the Cimbri. At last he was killed by his cruel orders in

Pompeius[k]; for armies can signify but little abroad, unless there be counsel and wise management at home. Neither was the raising and destroying of Numantia, by that incomparable person, and brave commander, the second Africanus, a greater and more signal piece of service to the republic, than the killing of Tiberius Gracchus by Nasica[l], though a mere private citizen at the same time. It is true, this action had something of the soldier in it, as being done by force and downright violence, and so does not wholly come under the notion of civil concerns: however, I have brought it as an instance of these, because it was effected by this civil sort of prudence, and without the assistance of a military power. I cannot but therefore still extremely approve of that saying of mine, which I am told some malicious and envious fellows most mightily carp at:

> Let warlike arms give place to th' peaceful gown,
> And to the stateman's praise the victor yield his crown.

For not to say any thing of other people, when I my own self sat at the helm of the government, did not arms then give place to the gown? Never was the state in more imminent danger[m], and yet never were

the year 666, Cicero being but twenty years old; so that he must here mean the son, who was heir to his father's virtues, Cos. with Lepidus, An. 675. Our author in his Brutus, ranks him in *præsidiis reip.* among those who by their wisdom supported the state.

[k] Pompey the Great, who held the civil war against Cæsar, and was beaten by him. All the historians are full of him.

[l] P. Scipio Nasica, grandson of him, who by the senate was judged to be the honestest man in Rome; who while Gracchus was persuading his pernicious laws, and the consul slack in endeavouring to suppress him, rose up in the senate, and bid all those who were for the good of the republic follow him; which several doing, they went and killed Gracchus presently.

[m] By the conspiracy of L. Cataline, a noble and valiant, but wicked and debauched Roman, who, together with some others that were like himself, formed most pernicious designs against the empire; which were defeated and brought to nought by the vigilance and excellent conduct of Cicero then consul. For which extraordinary service, he was by common vote styled

things better and more happily quieted. Thus by my prudence and careful management, the most impudent and audacious of all the citizens let, as it were, their arms fall out of their hands. What action then was there ever performed in war like this? Or where is the triumph that can be compared to it? For I think I may venture a little to boast before you, son Marcus, whose happiness it is to succeed in the glory, and whose duty to imitate the excellence of my actions: this I am sure of, even Pompey himself (a man the most famous for martial achievements) did me that justice, in the hearing of several, as to say, "That "his returning home with his third triumph had been "to little or no purpose, unless my endeavours and "services to the republic had preserved the city for "him to triumph in." I conclude therefore from what has been observed, that that sort of courage which is seen in the management of civil affairs, is no less deserving than that which consists in the business of fighting; and the former requires more pains and application to be perfect in it, than the latter doth.

CHAP. XXIII.

The body ought to be so far taken care of, as that it may be able to bear fatigues; but it is the mind that truly makes great men. War should be undertaken only for the sake of peace. The difference between a great soul and a great understanding, and the duties of each. Fighting, one of the least parts of courage.

UPON the whole, that virtue which consists in greatness and elevation of soul, and makes up the subject of our present inquiry, is obtained by the strength of the mind, not the body. However the

Father of his Country, an honour which he is frequently boasting of in his writings. See the whole history at large in Sallust.

body ought not to be neglected, but by exercise brought to such a frame and condition, as that it may be able to obey the prescriptions of the mind, in performing that business, and bearing those fatigues which are required of it. But still the nature of the virtue we are seeking for, consists in due care and application of mind; in which particular, the public receives as much benefit from gown-men, who manage and take care of its civil concerns, as it doth from soldiers, who are generals of its armies; for they by their prudence have often either hindered the breaking out of wars, or else have occasioned their speedy conclusion; and sometimes too have been the cause of their being undertaken, as the third with Carthage was entered into upon the advice of Cato[n], whose credit and authority prevailed in that case even after he was dead. Wisdom therefore, and skill in determining civil affairs, is more to be desired than courage in fighting: but then we must always be careful in this case, that our design be not the avoiding of war, but the being more useful and serviceable to the public. And as for war[o], it should never be undertaken with any other aim, but only that of obtaining an honourable peace. It is the part of a brave and unshaken spirit, not to be disturbed under any misfortune, or suffer itself in disorder and tumult to be thrown off the saddle, (as we usually speak,) but always to keep such a presence of mind, as to be able to consult upon every occasion, and be hurried on to nothing, but what is agreeable to reason and discretion. And as this is the part of an exalted spirit, so is what follows, of an elevated understanding; to discover effects even while they are yet in the wombs

[n] The elder Cato, who was surnamed Censorius, from his severity when censor. He was always persuading the Romans to destroy Carthage, which they did under the conduct of the younger Scipio; but not till two or three years after his death.

[o] Having determined the question, whether civil or military conduct be better; he now proceeds to give some directions about the latter; that we should never undertake war but for the sake of peace; nor be cast down at misfortunes, &c. to the end of the next chapter.

of their causes, and consider beforehand whatever may happen on either side, and accordingly what is to be done when it does happen; that so he may never be taken unawares, and brought to that lamentable shift of crying out, "I never once thought of it." These are the duties, as of a truly courageous and lofty, so of a wise and judicious mind; but rashly to run and lay about one in battle, and come to wounds and downright blows with an enemy, is but a savage and brutish kind of business; however, necessity so requiring, a man should fight, and choose rather to part with his life than his liberty, or be guilty of any base or dishonourable action.

CHAP. XXIV.

The duty of a truly courageous man, after he has conquered his enemies. Cool and deliberate counsels to be preferred before heat and boldness. Nothing more foolish than to expose one's self to unnecessary dangers. It is a duty rather to expose one's self, than the public affairs. They are to blame, who rather venture the loss of their armies, than their own reputation. The folly of Callicratidas and Cleombrotus in this; the wisdom of Fabius Maximus in doing the contrary. Men should speak what they think for the good of the public, without regarding what offence it may give to others.

IN the business of rasing and plundering cities[p], there ought to be taken a very especial care, that nothing of rashness or cruelty be shewn; and all true greatness of spirit obliges us, having first considered

[p] Having shewn in the former chapter what should be the motive of, and how a courageous man should carry himself in war: in this he lays down some rules for his carriage after he has gotten the victory, viz. To shew nothing of passion, cruelty, &c.

things calmly and maturely, to pardon the multitude, and punish those only that were principally faulty; and in every state and condition of fortune, to observe the just medium of virtue and honesty: for, as we have already observed of some, that they count it more noble to manage affairs of war than of peace; so you shall find there are a great many others, who imagine that hot and adventurous undertakings have something that is greater and more glorious in them, than wisely cool and deliberate counsels. Now as no man ought, by too warily avoiding of dangers and labours, to get himself the name of a faint-heart and coward; so, on the other hand, care should be taken that we thrust not ourselves into hazards and difficulties, where there is no manner of occasion for it; than which there is no greater folly upon earth. It is a duty therefore, in attempts of any danger, to imitate the practice of skilful physicians, who always to light and inconsiderable diseases, apply none but easy and gentle remedies; but in desperate cases are forced to have recourse to desperate cures. It is a madness therefore, while all things are calm and in a peaceful state, to desire a storm; but to keep off the mischiefs of it when it does happen, is the part of a wise and a prudent man; and so much the more, if the good to be obtained by getting well rid of it, out-balance the evils you may be brought into by the attempt. The danger of some actions only relates to the person that undertakes them[q], but that of others to the whole republic; and again, a man's life is endangered in some, in others his reputation, and the good-will of his citizens. It is our duty then, in the former case[r], more willingly to ex-

[q] He has done with those rules which concern a man's carriage in wars and dangers; but because there are several sorts of dangers, he proceeds to shew, which a man should rather choose. When Fabius, for instance, was Roman general; should he fight with Hannibal, the whole republic, should he not, his own reputation, was in danger. It was then his duty rather to hazard the latter, than the former.

[r] Viz. When the danger on one hand concerns the state, on the other only the person himself.

pose and endanger ourselves, than the whole state; and in the latter[s], to fight for our glory and reputation, more readily than any other conveniences whatever.—Yet the contrary to this appears plainly in the practice of a great many men[t], who are willing to spend their estates and lives for the good of their country, but will not bear the least diminution of their honour, though the present occasions of the republic require it. Thus Callicratidas, admiral of Sparta, in the Peloponnesian war, after he had done many signal services, at last was the occasion of ruining all; for when he was advised to retreat with his navy from Arginussa[u], and not venture giving the Athenians battle, he utterly refused it; and told his advisers, that if this whole navy should chance to be lost, the Lacedæmonians could fit out another; but that he for his part could never fly, without an irreparable loss of his honour.—And here the Lacedæmonians had, though a great, yet a tolerable blow; but that other[x] was mortal, and put a full period to the Spartan greatness, when their leader, Cleombrotus, only for fear of being somewhat ill-spoken of, unadvisedly ventured to fight Epaminondas. How much better did Fabius Maximus[y] do? concerning whom Ennius has these words:

[s] Viz. When on either side the general only is endangered in his life, reputation, &c.

[t] That is, they will rather venture the interest of the republic, than their own honour; as Callicratidas and Cleombrotus did; which is contrary to the rule he has just now laid down.

[u] Two or three little islands adjoining to the lesser Asia, between that and the isle Lesbos; where the Athenians, under the conduct of Thrasibulus, gave a mighty overthrow to the Lacedæmonians, who were led by Callicratidas; himself being slain in the action. See book xv. of Diod. Sicul. who says, "It was the greatest battle that ever was fought between Grecians."

[x] At Leuctra, a town in Bœotia, where the Spartan army, under the conduct of king Cleombrotus, and Archidamus, was entirely routed by the famous Theban general Epaminondas; Cleombrotus himself being killed in the battle.

[y] Fabius being made general against Hannibal, would not come to a battle with him, but endeavoured to weary him out by delays; for which he was called *Cunctator*, the delayer.

One man our state has sav'd by wise delays:
For he regarded not the foolish prate
Of idle people; but the city's good;
Therefore his growing fame now flourishes
More, when his deeds are past.

The same kind of fault should also be avoided in civil administrations[z]; for a great many men are afraid to speak out what they really think, though perhaps it is for the best, for fear it should give any offence to others.

CHAP. XXV.

Two rules of Plato's to be observed by those who govern the state. The good of the governed ought to be their sole aim. An excellent description of a good minister of state. Ambition very destructive in a government. A good saying of Plato's to that purpose. Men should carry themselves civilly towards those who are of an opposite party in the state, and not count them their enemies. The example of Scipio and Metellus. Anger towards an adversary no part of courage. Affability, &c. requisite in a statesman. Severity and chastisements sometimes necessary; and rules to be observed about them. Nothing can be well done that is done in a passion. Rulers should be like the laws themselves.

THOSE who design to be partakers in the government, should be sure to remember those two precepts

At first he was abused and called coward for this; but afterwards it was found by experience to be the best course; and then no one was so much commended as he. See his life in Plutarch.

[z] By this step he passes from the rules relating to military fortitude, to those which relate to civil; of which he gives several; as, first, here, to speak one's mind freely, &c. Secondly, in the next chapter, to observe Plato's two rules, &c.

of Plato; first, to make the safety and interest of their citizens, the great aim and design of all their thoughts and endeavours, without ever considering their own personal advantage. And, secondly, so to take care of the whole collective body of the republic, as not to serve the interest of any one party; to the prejudice or neglecting of all the rest. For the government of a state is much like the office of a guardian or trustee; which should always be managed for the good of the pupil, and not of the persons to whom he is entrusted; and those men who whilst they take care of one, neglect or disregard another part of the citizens, do but occasion sedition and discord, the most destructive things in the world to a state: from whence it comes to pass, that while some take part with the popular faction, and others make their court to every great one, there are but very few left who are concerned for the benefit and good of the whole. From this root have sprung many grievous dissensions amongst the Athenians; and not only tumults, but even destructive civil wars in our own republic; things which a worthy and truly brave citizen, and one who deserves to hold the reins of the government, will shun and detest; and will give himself so to the service of the public, as to aim at no riches or power for himself; and will so take care of the whole community, as not to pass over any one part of it. Such a one will scorn, by the mean arts of calumny and a false accusation, to bring others into hatred and disrepute with the people, but will always adhere to what is just and honest, and never be drawn from it, whatever offence may be taken by others; nay, will rather part with his life itself, than do any thing that is contrary to the virtues I have mentioned. Eager ambition, and contending for honour, is of all things most ruinous and destructive to a state; concerning which Plato had said admirably well, "That for men to contend and fall out with one an-
"other, about which should be chief in the manage-
"ment of the state, is just as if the ship's crew should
"go together by the ears, about who should be master

"or pilot of the vessel." And the same philosopher has given us this for a rule, "That only those men "should be reckoned as enemies, who have taken up "arms in opposition to the republic; not those who "would govern it after their own schemes." Such was the dissension[a] between P. Africanus and Q. Metellus[b], without any great bitterness or animosities between them. Some people think it the part of a brave and heroic spirit, to shew heat of anger and passion against an adversary; but what they say is by no means to be regarded; for it is certain on the other hand, that nothing is more laudable, nothing more worthy of a great and brave person, than clemency, meekness, and gentleness of spirit. In cities that are free, and where all men in common enjoy the same privileges, courtesy and affability, and that which they call *altitudo animi*, a calm and undisturbed temper of mind, are peculiarly requisite; for to fret upon every unseasonable visit, or at every impertinent and troublesome petitioner, makes a man sour and morose in his humour; which, as it brings no manner of good to himself, so it gets him the hatred and ill-will of others. But though meekness and clemency be laudable virtues, yet no further than as they leave room for a just severity, whenever the occasions of the public require it; without which a city can never be well-governed. Now every reproof and chastisement in the first place[c], should be always free from contume-

[a] The quarrels between citizens are of two sorts; 1. Civil, when each desires the good of the public, but takes several ways of arriving at it; such was this here mentioned. The other hostile, when one endeavours to ruin, the other to uphold, the state; such was that between Cicero and Cataline.

[b] P. Africanus the younger and that Metellus who was surnamed Macedonicus, from his conquest of Macedonia. They always rivalled and opposed one another in the affairs of the public, but never so as to become inveterate enemies.

[c] He had been saying, a governor should be meek and courteous, but not so as to exclude severity, when occasion requires it; this naturally brought him to discourse, how criminals should be punished; which he does by laying down several rules; as, first, *that no ill language be given them, &c.*

lious language, and not inflicted for the sake of the person chastising or reproving another, but for the good and advantage of the whole republic. Diligent care should be taken, in the next place, that the penalty be proportioned to the nature of the crime; and that some do not pass without ever being questioned, while others are punished for the same misdemeanors. But of all things, anger should be excluded in punishing; for whoever comes to this work in a passion, will never observe that due mediocrity, which equally abstains from too much and too little, so strictly required by the Peripatetic[d] schools; and they have very good reason indeed to require it; but then I cannot but wonder they should commend anger, and say, nature has given it us to good ends and purposes: for that in truth ought in no case to be allowed of; and it were heartily to be wished that the governors of a state would, in this particular, be like the laws themselves, which punish offenders according to justice, without being any ways guided by passion.

[d] The Peripatetics hold, that the passions, viz. anger, &c. are in themselves neither good nor bad, but accordingly as they are made either good or ill use of; and that they are given us by nature for very good ends and purposes, if we do not let them get the upper hand of our reason, but reduce them to a certain mediocrity and temperament. But the Stoics, whom Cicero follows in this book, said the passions were absolutely in themselves evil, called them diseases and infirmities of the mind; and commanded their wise men not to moderate, but wholly to root out all anger, joy, compassion, &c.

CHAP. XXVI.

Greatness of soul requires an even temper, free from haughtiness in prosperity, and dejectedness in adversity. Philip greater than Alexander, in bearing his good fortune with an even mind. The higher men are, the more care they should take of being humble and moderate. An admirable saying of Scipio to this purpose. In prosperity we should especially consult our friends, and have a care of flatterers. Greatness of soul seen often among the philosophers, and those who in private manage their own estates. How an estate should be got, improved, and used.

ANOTHER great duty of fortitude[e] is, not to be haughty, disdainful, and arrogant when fortune favours us, and all things go forward according to our wishes: for it shews as much meanness and poorness of spirit to be transported with good, as it does with ill-fortune; whereas, on the other hand, nothing is more brave than an evenness of temper in every condition, and (as is reported of Socrates and Lælius) a constant retaining the same air in one's countenance, without ever seeming puffed up or dejected. I find that Philip[f], the king of Macedonia, was inferior to his son in the outward glory and splendor of his achievements, but very far above him in good nature and condescension; therefore the father kept always the character of a great person, whereas the son often was guilty of base

[e] The rules which follow, equally concern the civil and military sort of fortitude, not to be puffed up at the good success of our affairs, nor dejected at the ill, &c.

[f] The second of that name, son of Amyntas, whom he succeeded in the throne. A cunning, valiant, and ambitious prince. He conquered the Thebans, Athenians, and other neighbouring nations, till at last he was made generalissimo of all the Grecian forces. He laid the foundation of that empire, which Alexander the Great, his son, brought to its height. See them compared together in *Justin*, book ix. c. 8.

and dishonourable actions[g]. It is a good rule therefore, I think, which is given by some men, *that the higher our station in the world is, the more care we should take of our lives and actions, that they be kept within the compass of lowliness and humility.* Panætius tells us it was an usual saying with his scholar and familiar friend Africanus, "That men who give the reins to their "vicious appetites, and are high and presuming upon "the greatness of their fortunes, should be dealt with "like horses, when grown fierce and unruly by frequent "engagements; for as these are delivered to breakers "to tame, and be made fit for riding; so those should "be brought within the barriers and limits of reason "and philosophy, to teach them the uncertainty of "all human things, and the great volubility and "changeableness of fortune." We should also in prosperity more especially make use of the counsel of our friends, and pay more respect and deference to their advices than we were wont to do. At the same time also we should take a great care, that we do not give over much ear to flatterers, nor suffer ourselves to be wheedled and imposed upon by their deceitful words: for there is nothing wherein we are more apt to be mistaken, than in this particular; every one having such a fond conceit and opinion of himself, as to think he deserves those applauses which they give him. Hence spring innumerable errors in our lives; whilst men, puffed up with a vain imagination and mistaken notions of their own great merit, are exposed to the raillery of all the world besides, and are cheated into great and dangerous mistakes. And so much may suffice upon this head. From what has been said we may easily gather, that those who are over affairs of the public, do the greatest actions, and such as express the most bravery of mind; their business affording them more opportunities, and there being more men who are concerned in this, than in any other method

[g] As in the murder of his friends Clitus, Calisthenes, &c. See *Q. Curtius.*

of living whatever. But after all[h], we cannot but acknowledge there are, and have been, a great many noble spirits, even in a life of retirement and privacy, who being sequestered from the business of the world, have given up themselves to enquiries after truth, and the great concernment of the practice of virtue: or else leading a life in the middle, as it were, between the statesman and philosopher, have been delighted with the management of their own private fortunes; not scraping up money by all manner of ways, or hoarding it so as to make nobody the better for it; but parting with it freely for the sake of their friends, or to serve the republic, when occasion required it. Now this private estate I would have, in the first place, to be honestly come by, not by any base, scandalous, or invidious way of gaining: then let it be distributed to the uses and necessities of as many as is possible, provided they are worthy and deserving people: and let it be increased by such ordinary methods of saving and good husbandry, as are agreeable to the dictates of reason and prudence; and lastly, let none of it be spent in debauchery and luxurious living, but in acts of munificence and liberality towards others. Whoever observes these measures laid down, let his way of life be either public or private, may perform all the duties of magnanimity, constancy, and greatness of soul, as well as of sincerity, fidelity, and doing good to mankind.

[h] Having done with the public, he comes next to the private fortitude. Of this he omits the former branch, viz. the contemplative, having discoursed of it already in chap. 6. Of the latter which relates to private gentlemen, managing their own estates, he gives a few precepts; as, first, that their estate be well gotten, &c.

CHAP. XXVII.

The virtues contained under the fourth head of honesty. Whatever is honest, and nothing else but that, is becoming a man; honesty and decency being really the same thing, and distinguished only by an act of the mind. Two sorts of decorum, and what the nature of each of them is.

WE are now in the next place to speak of the fourth, and only remaining part of virtue or honesty, under which are comprehended bashfulness, temperance, modesty, government of the passions, and the observing a just order as to time and place in our words and actions; from all which arises a certain engaging kind of beauty and gracefulness [i], which serves to set off and adorn our lives. Under this head is contained that becomingness [decorum, as we call it in Latin] which among the Greeks has the name of πρέπον; which is in its nature so closely united and rivetted to honesty, that there is no way left of pulling them asunder; for whatever is becoming is likewise honest, and whatever is honest is likewise becoming. The difference between them is so very small, that we may better conceive what it is, than explain it; for whatever becomingness [k]

[i] By these words I would express our author's *quasi ornatus quidam vitæ*, by which it is likely he might mean the same which the Greeks did by their Κοσμιότης or εὐκοσμία, which Aristotle comprehends under the virtue of temperance. It is that which gives a lustre and ornament to virtue, like the polishing of a diamond, which makes it more pleasing and valuable than when rugged, though then it exceeded all other stones. Thus we see some have a way to set off and recommend their virtue; while others by their too great severity and rigidness, for want of this *ornatus*, which he here mentions, render both it and themselves distasteful.

[k] That is, honesty is as it were the foundation of decorum, which it is built upon; it being impossible for any thing to become, unless it be first honest. I could wish however our author had endeavoured to explain the difference he understood between them, and not contented himself with saying in general that it might better be conceived than in words expressed.

there is in any action, it immediately arises from the honesty of it. From hence it appears, that becomingness does not peculiarly belong to this one part of honesty, whereof we are now undertaking to discourse, but shews itself also in each of the three former. To reason[1], for instance, and discourse according to the rules of prudence; to go about nothing but after due consideration, and on every occasion to be quick at espying and defending the truth, are things that are becoming; whereas to be deceived, to be in an error or mistake, and to be imposed upon, are very unbecoming, as well as to be mad or besides one's self. So again, all actions of justice are becoming; but those of injustice are both scandalous and unbecoming.—The same may be said as to the actions of fortitude; whatever is done with a manful courage and bravery of mind, as it is worthy of, so it becomes a man; but whatever, on the other hand, shews any cowardice or meanness of spirit, is as contrary to becomingness as it is to true virtue. I conclude therefore, that the decency whereof I am now discoursing, appertaineth to each of the four parts of honesty; and so appertaineth, as not to stand in need of any mighty reach of understanding to perceive it, but is easily discoverable at the first view: for there is something of becoming

The nature of honesty seems to consist in the conformity of our actions to the judgment of right reason, as the rule or measure which a reasonable creature ought to walk by: but that of decorum in our actions being answerable to the dignity and excellence of human nature, as a character which we ought to live up to in the world. Now nothing can be so, that is not first supposed conformable to the dictates of reason; and whatever is conformable to the judgment of reason, must of consequence be worthy of a man. For what can be worthy of a reasonable creature, but to live according to that reason which God has given him? From hence it follows, that decorum does as it were result from *honestum*, as light does from the sun; or (to give our author's own explication of it) as beauty and good colour in the face, doth from a good constitution of body.

[1] He shews in particular, how decorum is seen in the three former virtues, prudence, justice, fortitude.

contained in the very notion and idea of all virtue, from which it is distinguished by the mind alone, and not by the nature of the thing itself. Just as the beauty and good colour of the countenance can never be separate from the health of the body, so this becomingness of which we are speaking, in itself is all one, and, as it were, incorporate with virtue and honesty; but may be distinguished from it by thought and imagination. Now there are two kinds or sorts of it; the one universal[m], which belongs to the nature of honesty in general; the other particular, and contained under this, which belongs to the several parts of it. The former is used to be thus defined; decorum, or becoming, is that which is congruous or agreeable to that excellent part of the nature of man[n], by which he is distinguished from the rest of the creation. As for the latter, which is contained under this, it is usually described and defined to be that, which is in such manner agreeable to the nature of man, as withal to shew something of temper and moderation, with a certain sweet air of gentility and good manners[o].

[m] This is that we have spoken of in the note above, which is the offspring of, and necessarily results from the nature of honesty in general.

[n] That is, his reason; it being impossible for any thing to become a man, but that which is agreeable to the rules of right reason: and whatever is reasonable doth at the same time become him, in this first and largest acceptation of the word.

[o] There are two things then which constitute and make up the nature of this decorum; 1st, an agreeableness to the nature of man; and so far it is the same with the former universal one: but then it adds to it. 2dly, a *moderatio*, &c. something that is genteel, handsome, and engaging, which may serve to recommend it in the eye of the world. See the first note on this chapter.

CHAP. XXVIII.

Poetical decorum what it is, and how differing from that we here speak of. Nature has given us a character of reason, &c. which we ought to live up to. Nature teaches us to have a respect for other men. Proportion, regularity, &c. please wherever they are found. We ought to be concerned about other people's opinion of us. How the duties of justice, and those of modesty, decency, &c. differ. We should live agreeably to nature, which will always lead us right. Decency relates both to the actions of the body and mind. The nature or mind of man consists of sense and reason. The former of these ought to obey the latter.

THAT this is so, will more plainly appear, if we consider that decorum or convenience of manners, which the poets aim at in all their writings; concerning which, were it anywise necessary to my present purpose, I might largely discourse. Suffice it at present for me only to observe, that the poets are then said to keep this decorum, when each of their persons is brought in saying and doing those things which are suitable to the character he bears in the world. Should Æacus[p], for example, or Minos say,

> E'en let them hate me, whilst they dread me too[q];

or,

> The child's entomb'd in its own parent's bowels[r];

it would be an offence against the rules of decency,

[p] Two of the sons of Jupiter, supposed to have been very just and good men; therefore, after their deaths, made two of the judges of hell.

[q] A verse out of Ennius, often quoted by our author.

[r] A verse which the poet Accius puts into the mouth of Atreus, who had killed the children of his brother Thyestes, and served them up to him at a banquet. See Seneca's tragedy of Thyestes.

because they pass in the world for men of justice and honesty; but let the same be said by a cruel Atreus, and the whole theatre shall clap and applaud it, because it is a saying very agreeable to his character. Now the poet can judge what is becoming and convenient for every person, according to the character which he bears in the poem[s]: but nature has given every one of us a character, by endowing us with that nobleness and excellence of being, whereby we are set above all other creatures. The poets then, there being so great a variety of characters, can see what is becoming and convenient for all, even the most vicious; but we have got only one character to live up to, I mean that which is assigned us by nature herself; a character of temperance and modesty, of constancy and moderation. And the same nature having also taught us that we ought to be careful of our carriage and demeanor towards the rest of men; from hence it appears of how large an extent that becomingness is, which belongs to the nature of honesty in general[t], and also that other, which is seen in the exercise of the several kinds of it[u]. For as the beauty and comeliness of the body draws the eyes to it by the fit composure of all its members, and pleases us only upon this account, because all its parts correspond with a kind of proportion and harmony; so this decorum, which gives a sort of lustre and grace to our lives, engages

[s] There is a difference between the poetical and moral decorum: the poet himself can give such or such a character, (a vicious one if he pleases) and his decorum consists in the person's speaking and doing what is agreeable to such a character. But nature (i. e. the God of nature) has given one to every one of us, by making us reasonable understanding creatures. As therefore a poetical person must speak and do what is suitable to his character, so are we bound in all our thoughts, words, and actions, to follow the dictates of understanding and right reason; in which consists the nature of universal decorum.

[t] Which consists in living up to that character of temperance, &c. which nature has given us.

[u] Which consists of being careful in our carriage and demeanor towards the rest of men, which the same nature has taught us to be, in giving no offence to any one, &c.

the approbation and esteem of all we live with, by that just and due order, consistency, and regularity, which it keeps up and maintains in our words and actions. We ought[x] to have therefore a certain respect and reverence for all men, and desire to be approved not only by the best, but by all the world; for not to care a farthing what it is people think of one, is a sign not only of pride and conceitedness, but indeed of having perfectly abandoned all modesty. But here[y] we must observe, that there is a great deal of difference between that which justice, and that which this modesty, respect, or reverence demands, in relation to other people. It is the duty of justice, not to injure or wrong any man; of respect, or reverence, not to do any thing that may offend or displease him; wherein more especially the nature of that decorum we are speaking of consists. These things then being thus explained, I suppose it may clearly enough appear what that is which we mean by becoming. As for the duties prescribed by it, the first thing to which it conducts us is, to demean ourselves suitably and agreeably to our nature, and do nothing that may anyways stain or deface it: for whilst we take this for our guide and conductress, it is impossible we should ever go out of the way[z]; but by her shall be led through all the

[x] Men ought to frame and compose their actions, not according to their own private will and fancy, but according to the prescriptions and manners of those with whom they converse; so far as is innocent and not contrary to virtue; to be easy and compliant in things indifferent, and by a civil, genteel, and affable deportment, endeavour to oblige and win the affections of all men. And he that will follow his own humour, without caring whether he pleases or displeases men, where he might innocently do it, is deservedly censured for a proud, arrogant, and unmannerly fellow.

[y] Modesty, or the second sort of decorum, consisting (as is said) in our due carriage towards other men; and justice also in another manner doing the same; he here shews wherein they differ, and what the distinct duties of each.

[z] For virtue itself consists in acting agreeably to the dictates of nature, i. e. reason: in following her therefore we

paths of wisdom, truth, and understanding: of justice and beneficence towards the society of mankind; and of true magnanimity and greatness of soul. But the nature of decency is more peculiarly seen in the fourth part of honesty, concerning which we are now discoursing; and relates not only to the motions of the body, but more especially to those of the mind also; each of which then are approved and becoming, when they are such as are proper and suitable to nature.— Now the whole of the nature[a] or mind of man is made up of only these two parts: the first consists in the sensitive appetite, which by the Greeks is called ὁρμὴ; by the blind and extravagant impulse of which, he is hurried and transported from one thing to another: the second is reason, which shews and instructs him in the way of his duty, telling him what he should do, and what not do: from whence it follows, that it is reason which ought to be the governing faculty; and the appetite to be subject to the commands of it.

CHAP. XXIX.

Our actions should neither be rash nor careless, &c. How the sensitive part should be subject to the reasonable. Passion disorders the body as well as mind. Watchfulness and consideration necessary for the subduing of the passions. Men were not designed by nature for jesting, &c. but serious studies. Several sorts of jests and diversions. Measures to be observed about them.

EVERY action therefore should be free, as from precipitancy and rashness on the one hand, so from all carelessness and negligence on the other; nor

shall but go in the way of virtue, and consequently can never be in the wrong.

[a] Since decorum consists in acting suitably to nature, and we must first know what nature is, before we can tell what is suitable to it; therefore he here tells us wherein it consists.

should any thing be done, for which we cannot give a sufficient reason; which is almost the very definition of duty. In order to this the passions must be brought under the power of reason[b], so as neither through hastiness to run before its orders, nor through coldness and heaviness to disregard them when given; but all their motions must be so quieted and restrained, as to bring no uneasiness or disturbance to the mind. And from this calm and peaceable state of the soul, arises that constancy and moderation we have mentioned: for when once the passions grow unruly and extravagant, and refuse to be guided in their desires and aversions by the rules of prudence, they will run without question beyond all bounds and measure[c]; for they abandon and cast off their allegiance to reason, which they ought to obey by the constitution of nature. By this means are all things turned topsy-turvy, and not the mind only, but even the body also, put very much into disorder and confusion. Do but mark those who are inflamed with a vehement anger or desire; who are transported with fear, or an over-great joy; and you will see an alteration in their countenances, voices, gestures, and all their actions; which sufficiently gives us to understand (that we may return again to the duty

[b] Since God has endowed us with the faculty of reason, to shew and instruct us in the way of our duty, what can be more either sinful or unbecoming, than to stifle the sparks of it by negligence and heaviness? Or what more unnatural, than to make what should be our guide and directress, become a captive and slave to our irregular passions? For God has given us that divine faculty to no purpose, if afterwards we refuse to be guided and conducted by it. The great and fundamental duty therefore in this place is, to do nothing but according to the directions of reason, to assert her sovereignty, and never suffer her to be captivated by any vicious principle or inordinate lust.

[c] For nothing is so wild and ungovernable as the passions, when they have overpowered and got the mastery of reason.—And how then can there be any regularity, temper, or decency in that life, which is under the government of such blind, inconsistent masters? *Distrahuntur in contrarias partes impotentium cupiditates,* (says our author in another place,) *cum huic obsecutus sis, illi est repugnandum.*

now before us) how necessary it is to restrain and give check to the movements of the appetite, and to be always watchful and standing upon our guard, that so we may neither be careless and inconsiderate, nor do any thing rashly and at all adventures. For mankind were never designed by nature merely to sport and idle away their time[d], but to follow after grave and serious studies, and business of greater importance than play is. Not but that jesting and diversion are allowable, provided we use them but as we do sleep, and other such necessary refreshments of nature, viz. after the discharge of our serious and more important duties. And even then we must see that our jesting be neither excessive nor immodest, but such as is handsome and becoming a gentleman; for as boys are allowed not all kinds of sports, but only such as have nothing that is vicious or ill in them; so in this jesting we should allow ourselves nothing, but what is agreeable to honesty and good manners. We may therefore observe, that jesting or merriment is of two sorts; the one clownish, abusive, scandalous, and obscene; the other handsome, genteel, ingenious, and truly pleasant. Of this kind are several instances to be met with, as in our Plautus[e], and the old[f] Greek

[d] Since reason (as was shewn) was the governing part of man, and he is bound to act according to its precepts; certainly it must follow, that to spend his time in idleness and sloth, in foolish playing and impertinent jesting, is contrary to his duty, as being unworthy of that excellent nature which God has bestowed on him. This brings him to discourse, how far these things are allowable. As first, as to the measure of jesting, it must not be excessive: as to the matter, it must not be immodest or abusive, &c.

[e] A famous Latin comedian, very well known by his plays, which are still extant. See his character in the preface to three of them, which are turned into English; and the commentators on Horace, *de Art. Poet.* v. 270.

[f] *Old* in opposition to the *new*. There were in all three sorts of comedy among the Athenians; the first in the strictest sense *old*, the authors of which took true stories for their subjects, and exposed men publicly by name, though they had otherwise a great deal of handsome wit; this being forbid, the

comedians; so in the writings of the Socratic philosophers: to which we may add the ingenious sayings of several men, such as are collected by the senior Cato, and usually go by the name of Apophthegms. There is no great difficulty then to distinguish between a genteel and a clownish jest; the one, if brought in at a seasonable time, and when a man's mind is disengaged from business, is becoming for a gentleman; the other, for no man at all indeed, when base and unhandsome things are dressed up in filthy and obscene expressions. Our plays[g] and recreations must also be kept within their due bounds; and care should be taken that we do not run out into great excesses, and suffer the pleasure which we take in them to carry us into any thing that is base or unbecoming. Hunting, and the exercises of the Campus Martius[h], supply us with examples enough of creditable and manly recreations.

middle comedy succeeded, wherein they still took true subjects, and exposed men as formerly, but under borrowed names; (these are both of them often, and I suppose here, comprehended under the name *old*.) This was followed by the *new*, wherein they only used feigned subjects, and forbore to abuse. See Horace, Sat. iv. book i. and *Art. Poet.* ver. 281. and the commentators upon him.

[g] Having done with jesting, he now proceeds to plays and other recreations; concerning which almost the same rules are to be observed: they must not be excessive, unhandsome, &c.

[h] A field just without Rome, where the youth used to perform all their sports and exercises.

CHAP. XXX.

The excellence of man's nature above that of brutes necessary to be considered. Wherein it consists. Some are really beasts under the shape of men. Sensual pleasures, effeminacy, &c. unbecoming men's nature. Beside reason, which is the common nature of all men, each man has his particular nature or genius. The difference of men's particular natures or dispositions, shewn by a large number of examples.

BUT in all enquiries concerning what becomes us, it is of very great moment to be constantly reflecting how much man's nature excels that of beasts and inferior animals[i]. These have no taste or relish for any thing but the pleasures of the body, towards which they are carried with a great deal of eagerness; whereas nothing is more agreeable and nourishing, as it were, to the mind of man than learning and contemplation. Hence he is always a seeking or contriving of something that is new, and is greatly delighted with seeing and hearing, for the increase of his knowledge. And if there is any one too much addicted to sensual pleasures, unless he is transformed into a mere brute, (for some such there are, who are men in name, and not in reality,) but if, I say, any one is too much addicted, and suffers himself to be conquered by pleasure; yet, for very shame he will hide and conceal his propensions towards it as much as is possible. And what is this now but a plain indication, that sensual pleasures are unbecoming the dignity of a reasonable creature[k], and ought to be despised and rejected

[i] To the end that we may perceive the nobleness and excellency of the one above the other, and make it our business to live accordingly. This will shew us (as he goes on to observe) how mean and unworthy an employment it is for a man to wallow in lust and sensuality; how inconsistent with his reasonable nature; and how much more agreeable to goats and swine.

[k] For what else should be the reason, why men are ashamed

by him? and that whoever sets any value upon them, should be sure to take care that he keep within the limits of reason and moderation? From hence it follows, that we should not have any respect to pleasure, but only to the preservation of our health and strength, in our victuals, clothes, and other conveniences belonging to the body. And does not the consideration of the same dignity and excellence of our natures, plainly inform us how base and unworthy a thing it is to dissolve in luxury, softness, and effeminacy? And how brave and becoming it is, on the other hand, for a man to lead a life of frugality and temperance, of strictness and sobriety? And here we must observe[1], that nature has given us, as it were, a double part to be acted in the world: the first is extended to all men in common, forasmuch as we are all of us partakers of reason, and that prerogative of our nature, whereby we are exalted above other animals; it is this that conducts us in the finding out our duty, and from it all honesty and becomingness arises: the second is appropriate to each in particular; for as there is a great deal of difference in bodies, some being nimble and proper for running, others more lusty, and fitter for wrestling; some of a noble and majestic air, others of

to discover their desires and inclinations for bodily pleasures, but only a sort of natural consciousness, that they are not answerable to the dignity of their nature?

[1] Having shewn what the true notion of decorum is, and hinted at the duties of it, as it is drawn from the nature of man in general; he now proceeds to a second sort of it, taken from each one's particular nature. We should not only live so, as is consonant to our general character, right reason; but every one should endeavour to follow what is agreeable to its particular inclinations, provided there is nothing in them vicious or unreasonable. For nothing can ever be handsome or becoming, that is contrary to the tendency of a man's own genius: for whatever is strained and forced, as all such things are, must consequently be indecent. Here therefore he begins to discourse of men's various dispositions, &c. some are naturally witty and merry, others grave and serious, or the like; and it is impossible one of these should ever sustain the character of the other, but he must come off very awkwardly and unhandsomely.

a sweet and engaging kind of beauty; so there is no less, or rather a far greater variety in humours. Thus Lucius Crassus[m], and Lucius Philippus[n] were men of a great deal of wit and pleasantry: Caius[o], the son of Lucius Cæsar, of more than they, and a great deal more studied. Whereas the young Drusus[p] and Scaurus[q], at the same time were men of extraordinary gravity and severity. Lælius[r] had abundance of mirth and gaiety; his familiar Scipio[s] much more ambition, and greater austerity and strictness of living.—Amongst the Greeks, Socrates is said to have been one, that was of a very easy and facetious humour; that always loved to be merry and jesting, and was a mighty artist at hiding his meaning under witty ironies and drolling expressions, which sort of men are by the Grecians called εἴρονες[t]; whereas Pericles and Pythagoras[u] got themselves credit by being of exactly the

[m] A famous Roman orator, one of the interlocutors in our author *De Oratore*, where may be seen enough of his character; particularly an admirable account of his death. Chap. i. book iii.

[n] L. Marcius Philippus, a great author and cos. of Rome, An. Urb. 662. Our author calls him *magno virum ingenio*, book ii. c. xvii. and mentions him in several places of his works.

[o] Brother to the elder Catulus, whom we spoke of c. xxii. He is often mentioned by our author for his wit; particularly very much in his *De Oratore*, and c. xxxvi. of this book i.

[p] M. Livius Drusus, an excellent young Roman gentleman, tribune when Philip was cos. See his character and death in *Patercul.* book ii. c. xiii. xiv.

[q] There were several noble Romans of that name; one M. Aurelius Scaurus was cos. and slain by the Cimbri, when they broke into Italy. It is likely he means here M. Æmilius Scaurus, whom he mentioned c. xxii.

[r] He was surnamed the *Wise*, whom he makes speak in his book *De Amicitia*.

[s] The younger Africanus.

[t] It is plain, from what he has been saying, that this word is taken here in a good sense. Not for those roguish dissemblers called by that name, and described by Theophrastus in his characters. *Socrates dictus est εἴρων*, (says Quintil. l. ix. cap. 2.) i. e. *Agens imperitum et admirator aliorum tanquam sapientium.*

[u] The former a famous Athenian general and statesman; of whom see Plut. and Thucyd. The latter an eminent philosopher of the isle Samos; founder of the Pythagoric sect.

contrary temper. Hannibal among the Carthaginian generals, and, amongst our own, Fabius was crafty and subtle; one that knew how to disguise his intentions and keep his counsel; that could make shew of one thing whilst he was really designing another; of exquisite skill for contriving of stratagems, and preventing those laid by the enemy against himself.—In this kind the Grecians give Jason the Pheræan[x], and Themistocles, the preference before any others; and there is one thing of Solon's, which shews he had his share of this cunning and subtilty, when he feigned himself distracted to save his own life[y], and withal to do a good piece of service to the public. There are others to be found of just and opposite humour, who think it unlawful to do any thing by stratagem and underhand dealing, but are all for simplicity and plainness in their actions; lovers of open and undisguised truth, but haters of every thing that looks like a trick. There are some that will undergo any thing in the world, fawn and crouch to any manner of person, if they can but obtain their own ends and designs by it; as Marcus Crassus we know did to Scylla. Of which sort of crafty and complying kind of people Lysander the Lacedæmonian is said to have been the chief; whereas Callicratidas, who was admiral of the navy next after Lysander, was quite the contrary.—Again, there is as great a variety in men's ways of

[x] So called from Pheræ, a town in Thessaly, where he reigned. He was one of the greatest captains of his age, and chosen general of all the Greeks to make war upon the Persians. He was father-in-law of that Alexander Pheræus, whom he mentions c. vii. book ii.

[y] The Athenians and Megareans had been at war a great while for the isle Salamis. At last the former grew weary of it, and made a law, that whoever proposed fighting for it any more, should lose his life. Solon once finding the place might be recovered, but fearing to speak because of the law, feigned himself mad, that under that disguise he might speak what he would; and coming into the assembly in a strange garb, &c. he repeated some old verses about Salamis; and by degrees brought it about, that the Athenians resolved to try again for the isle, and recovered it.

discourse, as in their humours and complexions: some who are able to speak very nobly, can yet suit their language to the humours and capacities of the ignorant vulgar; as I remember Catullus, father and son, as also Mucius Mancia could do; and I have heard old people relate the same of Scipio Nasica; but his father, on the contrary, he who, by slaying Tiberius Gracchus, put a full end to his ruinous attempts, had none of that affable familiar way of speaking. No more had Xenocrates[z], the most rigid and severe of all the philosophers; and for that very reason was noted an eminent. In short, there is almost an infinite number of these different natures and characters in men, not one of which is in itself to be condemned[a].

CHAP. XXXI.

Every one should follow his own genius, so far as it is innocent. Uniformity or consistency most becoming a man, which cannot be kept up if we run counter to our own natures. The great force of this difference in men's natures. Custom of the actors on the stage. Several other rules relating to the same.

THE more easily then to arrive at that decorum of which we are speaking, let every one stick to his own peculiar character and humour, provided it has nothing that is vicious in it: I say, *provided it has nothing that is vicious in it;* for we should always take a particular care to do nothing that is contrary to that universal character[b] which nature has imprinted on every one of us; but saving the reverence we owe to that, then to live according to our own particular one, so as to follow after that kind of study, and apply ourselves

[z] An eminent philosopher, born at Chalcedon, scholar of Plato, and founder of the Academic sect. He is frequently mentioned by our author.

[a] But only if it be applied to ill ends and purposes.

[b] Viz. reason. See note on c. xxix.

to that course of life, which is most suitable and agreeable to our own inclinations, though others perhaps may be more useful and important; for it is in vain to struggle against the bias of your nature, or at first to set upon that sort of business which you can never arrive at any perfection in. From what has been said it more fully appears, what that is which we call becoming[c]; since nothing can be such that is done (as we say) in despite of nature, i. e. contrary to the bent and tendency of a man's genius. Now it is certain, if any thing in the world is becoming, it is a constant uniformity in our whole lives and particular actions; which it is utterly impossible we should ever maintain, so long as we run counter to our own inclinations, and foolishly follow after those of other people: for as we should use our own native language, which all are supposed to understand best, and not *lard* our talk, as a great many do, with expressions out of Greek, who are therefore deservedly laughed at by others; so we should keep to one constant tenor and regular conduct in our lives and actions, so that nothing may be in them which is not well suited and of a piece with the rest. And this difference[d] in the characters or natures of men is of so great moment, as that in consequence of it one man may be obliged to make away with himself, whilst another, though like him as to all other circumstances, may be obliged to the contrary. Cato[e], for instance, and those who in Afric surrendered them-

[c] He means that which results from one's living up to his particular character; not that general one, of which we have spoken before.

[d] Because it is impossible wholly to conquer our nature and inclination; so that though we should, by custom to the contrary, make shift to keep them under for some time, yet they will certainly break out again, and so spoil that uniformity which is required in our lives.

[e] He that was surnamed Uticensis, because he chose rather to kill himself at Utica, than yield to the power of Julius Cæsar. He was great grandson to Censorius. See his life in Plutarch.

selves to Cæsar[f], were all of them under the same condition; and yet any of the rest might perhaps have been blamed for it, had they murdered themselves so as Cato did, because they were men of less strictness in their lives, and less severity in their manners. But Cato was a person whom nature had endowed with incredible firmness and strength of soul, which he had augmented by perpetual constancy, and unalterably adhering to his once undertaken designs and resolutions: it became his character therefore to die, rather than to see the face of the tyrant[g]. How many things did Ulysses undergo in his tedious wanderings, when he was forced to be at the pleasure of women, (if Circe[h] and Calypso[i] may be called women,) and by fawning words, and fair complaisant speeches, wheedle himself into the favour of all he met with? How did he bear the contemptuous usage of his servants and maids, even in his own palace, that at last he might arrive at his wished-for end[k]? Whereas Ajax[l], ac-

[f] Viz. Lucius Cæsar, Confidius, &c. See *Comment. de Bell. Afric.* c. xi.

[g] This might be true enough, if to kill himself were a lawful action, and had nothing in it that is contrary to the universal nature, of which he spake at the beginning of this chapter. Cicero here supposes it lawful, though in other places he talks against it, as following in this work especially the Stoics, who held that life and death were things indifferent in themselves, and that in several cases a wise man might, nay and ought too, to make away with himself. Hence we hear them so often talking of a door's being always open to liberty, whatever misfortunes should befal them, &c. See *Lips. Stoic Philos.* book iii. c. 22.

[h] A notable sorceress, that by her enchantments turned Ulysses' men into swine, goats, &c. but at last restored them to their former shape upon his entreaties. See *Homer's Odyssey.*

[i] A nymph that reigned in the isle Ogygia, whither Ulysses was driven in his long wandering, &c. She kept him there seven years.

[k] Viz. To kill those who courted his wife in his absence.—This he could not have done had he discovered himself; therefore he came in a beggar's habit, and was contemptuously used by his own servants.

[l] One of Homer's chief heroes in the Trojan wars; of a

cording to the character we have of him, would rather have died a thousand deaths than ever have submitted to such mean compliances. These observations should teach us all to look carefully every one into himself, and consider well what is his peculiar genius, and endeavour to make the best use of it that he is able; and not to be foolishly trying experiments, to see how he can succeed in what is another body's talent: for it is certain, that nothing becomes a man so well, as that which is best suited to his own inclinations. Every one therefore should inform himself thoroughly which way his humour and genius lies; and be severe in examining what he is well fitted or not fitted for; otherwise the players may seem to be wiser than we are; for they, when they pitch upon what they will act, do not always choose those parts that are best, but those that are best suited to their humours and abilities.—They that have the ablest voices, for instance, Epigoni[m], or Medus[n]; they that have most action, Menalippa[o] or Clytæmnestra[p]; Rupilius, whom I remember, had always the part of Antiopa[q], and Æsop[r] very rarely

haughty and proud spirit that scorned to yield and give way to any one; and disdained to submit himself to any thing low or mean.

[m] A tragedy of Euripides, or, as some think, Sophocles, so called because it treats of the second Theban war, which was managed by the children of those who died in the first: the word in Greek signifying *descendants* or children. It was translated into Latin by Accius.

[n] The son of Medea, the famous sorceress, who when his mother had fled away upon the clouds, went all about the world to seek her; which is the subject of this tragedy. It was written by Pacuvius, a Latin poet, nephew to Ennius.

[o] Sister of Antiope, queen of the Amazons, taken prisoner by Hercules, but ransomed by Antiope with his armour and belt: upon which Accius made this tragedy.

[p] Wife of Agamemnon, notorious for her living with Ægisthus while her good man was at the Trojan war; and for murdering him by his help as soon as he came home. This was one of Accius's tragedies.

[q] Wife of Lycus, king of Thebes, whom Jupiter fell in love with, and begat on her Amphion and Zethus.

[r] A famous acter at Rome, of whom Cicero is said to have

that of Ajax. And shall actors observe this in choosing their parts, and wise men not do it in choosing their business and way of living in the world? We should therefore apply ourselves especially to that which we find most agreeable to the bent of our natures; but if we should chance to be driven upon any thing which is not so proper for our parts and talents, we should make it our business by care and application, if not to go through with it the most perfectly that is possible, yet at least with as few faults as ever we are able. And let us rather labour to avoid those vices which we are naturally inclined to, than try to arrive at those excellencies and perfections which we were never made for.

CHAP. XXXII.

Duties arising from men's several stations and professions in the world. They whose fathers have been famous, imitate their virtues, or add to them. The choice of a profession very difficult. Prodicus's story of Hercules. What usually determines men in the choice of a way of life.

BUT beside those two parts which I have already mentioned, there are still two others remaining behind*: the one is allotted us by time and chance; the other we ourselves choose voluntarily to ourselves. To the first appertain one's being a king, a general, or a ma-

learned pronunciation. He was grave and sedate in his action, and so unfit to represent the violence and transports of Ajax.

* Having done with that decorum which consists in acting according to universal nature or reason; and the second according to our own particular one; he comes now to a third, which arises from acting agreeably to our place, or station in the world. Now this station we may have two ways, either from fortune, or our own choice. To be a prince, for instance, a general, or the like, are things of fortune; but to be a lawyer, a philosopher, or tradesman, of choice. It always becomes us, whatever character we bear in the world, whether of prince or peasant, soldier or gownsman, to do those things which are suitable to such a character.

gistrate; coming of a great family; having riches and power; together with the contraries of all these; which are all of them things that depend upon fortune, and alter according to the difference of times. As for the second, it is altogether left to our own choice what sort of calling we have a mind to be of; accordingly some choose to study philosophy, others the civil law, and a third sort eloquence; and of the virtues themselves, some are desirous of being eminent in one kind, and some in another. Now[t] those men whose fathers or ancestors have been eminent in any one kind, for the most part endeavour to excel in the same: as Quintus[u] the son of Publius Mucius did in the civil law; Africanus[x] the son of Paulus in martial achievements. And some, not content with the glory of their ancestors, have added something else of their own to it; as that Africanus, whom I just now mentioned, who, beside his great fame for military exploits, made himself noted for his learning and eloquence. The same did Timotheus[y], the son of Conon, who was equal to his father in the glory of war, and obtained that of learning and ingenuity besides. But it happens sometimes, that omitting to tread in the steps of their fathers, some take new methods and designs of their own; which, generally speaking, is the case with those who are born of mean parents, and propose to rise and make their fortunes in the world. Each of

[t] The decorum he is going to speak of consisting in doing that which is agreeable to one's station and way of life in the world; this brings him to discourse of the methods people take in choosing their ways of life; as some endeavour to follow their fathers, &c.

[u] Q. Mutius Scævola, who was augur, and son-in-law to the wise Lælius, whom he mentions at the beginning of his book *de Amicitia*, to whom his father recommended him for the study of the civil law: he was Cos. with L. Metellus, An. U. C. 636. There was another of this name at the same time, who was *Pontifex maximus*.

[x] Scipio Africanus Minor, who was son of Paulus Æmilius, but adopted by P. Scipio, the son of Africanus Major.

[y] Two famous Athenian generals. See the lives of them both in Corn. Nep.

these things should be thoroughly considered and revolved in our mind, whenever we deliberate what will become of us. The first thing then to be determined is, what sort of men we design to be, and what course of living to take to in the world, which is a case of all others the most hazardous and difficult. For when people are young, and consequently most foolish, they generally pitch upon that way of life which then best pleases their unexperienced fancies: so that they are fixed and engaged in a certain course, before they have the judgment to discern what is best. Prodicus[z] indeed (as I find it in Xenophon) tells us this story concerning Hercules, "That when he was a youth, "which is the proper season allotted by nature for "choosing a way of life, he withdrew himself into a so-"litary place, and there having found out a couple of "ways, the one of pleasure, and the other of virtue, "he sat musing, and considered a while with himself, "which of these two he had best to follow." Such a thing as this might happen to Hercules the son of Jupiter; but it is not for us to expect the same, who each of us take whom we please for our patterns, and suffer ourselves to be drawn any whither, according as they lead us. We have most of us principles instilled by our parents, and follow their customs and manners of living; others are guided by popular opinion, and like that best which takes the most. However, there are some, whether it be out of mere good fortune, or an happy temper and disposition of soul, or lastly by the care and instructions of their parents, that pursue right methods and ways of living.

[z] Prodicus was a sophist in the island of Cos, one of Euripides's masters; who in a book of his concerning Hercules, brings in this story, as Socrates tells it in Xenophon's *Memorab.* book ii. c. i. therefore he calls him here *Herculem Prodicium.*

CHAP. XXXIII.

Few so happy as to consider thoroughly what way of life they should choose. The principal thing to be regarded in choosing is one's own genius; next to that, one's fortune in the world. After a man has chosen, he should stick to his choice, without great reasons to the contrary. How a change should be made. Two cautions to be observed about imitating our ancestors. Those men whose nature is not capable of some, should take the more care that they have other virtues. The best inheritance a father can leave his son, is the fame of his virtues. It is a mighty shame for a son to be unworthy of the fame of his ancestors.

BUT those of all are the most difficult to be found, who having sufficient natural parts, or sufficient improvements of learning and education, or both these together, have withal had due time to consider with themselves what is the best course of life they can follow in the world. Now[a] in this deliberation, the principal thing which we ought to regard is, each man's peculiar nature and genius: for since the decorum of each particular action, as before was observed, is taken from the disposition of the person that does it; sure that disposition should be carefully consulted, before we determine upon our whole way of living; it is otherwise impossible we should keep a due tenor and consistency in our lives, and not sometimes falter in the performance of our duty[b]. But though nature in this case has much the greater sway, yet fortune comes in for a share next after her; both of them therefore should be duly consulted in making choice of a calling, but more especially nature; for fortune is inconstant

[a] Two things which ought to be carefully considered by us in choosing our calling: first, our natural disposition and capacity for it, secondly, our fortune and outward circumstances in the world.

[b] See note on c. xxxi.

and often changing, but nature is firm, and will abide by us; so that for the former to oppose this latter, is like a mortal power's contending with an immortal.—That man[c] then, who has chosen a way of living that is suitable to his nature[d], provided that nature be no ways vicious, should make it his next care never to alter it; for nothing is less becoming than a humour of changing. But if upon trial he should find that he was mistaken in the choice of his method, as it is very possible that such a thing may happen, there is no way left but to unravel again what is already done. If the times themselves favour the making such a change, it may be the more easily and conveniently done; but if not, it must be brought about gradually and insensibly, according to that rule which is given by wise men. Whenever you design to break off any friendship or displeasing acquaintance, you should loosen the knot by little and little, and not try to cut it asunder all at once. And when by this means we have changed our course of life, great care should be taken that we may seem to have done it upon very good seasons. But having before recommended the imitation of our fathers and ancestors, I must here interpose an exception or two: in the first place then, we should take great care not to follow them in any thing that is vicious or blameable; nor, secondly, should we attempt it when we find our constitution will not carry us through with it. Thus for instance, the son of the former Africanus, who adopted this latter being son to Paulus, by reason of the weakness and indisposition of his body, could not so well tread in the steps of his father, as his father had done in those of his grandfather[e]. But then if a man be of such a constitution,

[c] After the rules about choosing a calling, he proceeds to shew what a man should do after he has chosen: *Should not be eager to change, &c.*

[d] His particular nature or genius.

[e] P. Cornelius Scipio, a famous and valiant Roman, who, together with his brother, bravely defended Spain, while Hannibal was in Italy, routing the Carthaginians in several battles.

as that he is unable either to plead at the bar, or to harangue the people, or conduct an army, he should take the more care that he does those things which are in his power[f]; such are the duties of justice and fidelity, of modesty, temperance, and liberality; the performance of which may serve to make amends for his want of the others. Now the noblest inheritance that can ever be left by a father to his son, and far exceeding that of houses and lands, is the fame of his virtues and glorious actions; and for a son to live so as is unworthy of the name and reputation of his ancestors, is the basest and most abominable thing in the world.

CHAP. XXXIV.

The respective duties belonging to each age. Old men should have an eye upon youth. Vice is doubly evil in old men, because of the ill example given to the young. The duties of magistrates, private citizens, and strangers. Nothing more becoming in all sorts of people than constancy and regularity.

AND since each age has its respective duties belonging to it, and the same things become not both young and old, I must add something also upon this distinction[g]. It is required then of the younger sort of people, that

At last they were both slain, and young Scipio, who was afterwards first surnamed Africanus, succeeded them.

[f] Those who, for any of the aforementioned reasons, relinquish the public, must not think themselves immediately excused from serving it in their proportion, and in the way they are able. The most solitary life should do some good, and retirement should not minister to luxury or idleness, but to virtue and sobriety. Those that cannot shew their valour, eloquence, or policy for the public, may however their modesty, liberality, fidelity, &c. in retirement.

[g] Another sort of decorum consists in acting agreeably to one's age; in youth's doing what is proper for youth, &c.

they pay due reverence to those that are old, and choose out the best and most approved among them, by whose counsel and direction they may steer their lives; for indeed the unskilfulness and inexperience of youth does stand in some need of the prudence of old age to be its guide and director. This age especially should be kept from all loose and effeminate living, and be inured to labour, and enduring hardships both of body and mind; that so they may be able to bear with the toils and fatigues of business, whether in peace or war: and if they do at any time slacken their mind, and give themselves up to their pleasures and refreshments, great care should be taken that they exceed not the limits of temperance and modesty. And in order to this, it would be very convenient, if some aged people would keep a constant eye upon their sports and recreations. As for old men[h], it is their duty to lessen the labours of the body, and employ more frequently those of the mind; and make it their business, by prudent and wise counsels, to do what good they can to the younger sort of people, to their friends and dependents, and more especially to the republic. And old men of all things should especially be careful, not to languish out their days in unprofitable idleness. Luxury and riot is unbecoming in all, is perfectly scandalous and intolerable in old age; but should lust and wantonness come into the bargain, those who are guilty of it are doubly faulty; for first they bring a shame and disgrace upon themselves, and withal make the young men more shamelessly wicked. Besides these duties already mentioned, it may not be amiss to say something of those which peculiarly belong either to magistrates, private citizens, or strangers[i]. First then, a magistrate ought to consider, that

[h] So much for the duties of youth; he proceeds now to those of old men.

[i] This he brings in, as it were, by the bye here: though they might, I think, have been put under the third sort of decorum, living according to one's station and character in the world. See c. xxxii.

he does in his person represent the whole city, and accordingly is bound to maintain the credit and dignity of it: that he is to preserve the laws, and see that all people have their due rights; remembering that these things are committed to his trust, which he is bound to render up faithfully and honestly. It is the duty of those in a private capacity to live as the rest of their citizens do, neither debasing themselves below their just height, nor endeavouring to raise themselves up above it: and to follow those things which are honest and peaceable in the commonwealth: these are they whom we usually call and account good citizens. And, lastly, for strangers and sojourners in a place, it is their duty to follow their own business, and not intermeddle with any body's else; not to take upon them in what no ways concerns them, or be curious in prying into the secrets of a state which they have nothing to do with. By observing these rules we may, generally speaking, be sure to find our duty, whenever it is enquired what is suitable and becoming for such a person, such a time, or such an age: I shall only add, that in all our designs, and all our undertakings, nothing is more becoming than constancy and regularity.

CHAP. XXXV.

Decorum shews itself outwardly in three things: rules of modesty taken from nature in the frame of our bodies. Obscene talk discovers ill inclinations. The false reasoning of the Cynics and some Stoics upon this subject. Rules of exterior decency in our carriage, postures, &c. The great care the old Romans took of modesty.

BUT since this decorum of which we are speaking is seen more especially, and discovers itself in our actions[k], our words, and our carriage and exterior orna-

[k] Having discoursed of the several sorts of decorum, he

ments of the body, and consists in one of these three things[l], in a certain kind of natural beauty and comeliness, in pertinence and well-timing our words and actions, and such other kind of ornaments and outward embellishments as are proper for the business one is going about, (things which it is no easy matter to express, but I hope I am understood, and that is sufficient;) and since that care[m] which we ought to take, of making ourselves agreeable to those we converse with, consists in a due regulation of these[n], I shall proceed to discourse of them each in particular. In the first place[o] then, it may be worth our observing, how much care and concern has been shewn by nature, in ordering the frame and composition of our bodies: those parts which were handsome and agreeable to the sight, she has placed in view; but those which could not be so handsomely shewn, and were only given to serve certain ends and necessities of nature, these she has been careful to conceal and cover. A sense of shame and modesty in mankind has seconded this her diligence in framing their bodies; for all that are not wholly bereaved of their reason, keep those parts hidden which she has concealed, and are always as secret as they can in those actions which natural necessity

proceeds to speak of the several things, in which it appears: they are, 1. Our actions. 2. Our words. And, 3. Our bodily carriage, dress, &c. He discourses therefore of each of these.

[l] What *formositas*, *ordo*, and *ornatus* mean, in which he makes decorum to consist, is more difficult to understand, than it is to express; and commentators cannot agree about it. Not to trouble the reader with their several opinions; by *formositas* (I suppose) may be understood the natural beauty of the body, and natural clearness of the voice; and by *ornatus* the acquired or adventitious; of which it will appear he discourses in the four next chapters; by *ordo*, a due timing our words and actions; of which c. xl.

[m] See note on c. xxviii.

[n] Viz. Our words, actions, and carriage of body.

[o] He begins with the last of those three things, in which decorum shews itself, viz. bodily carriage, dress, &c. of which in this and the next chapter.

forces upon them. Neither do they call by their proper and broad names the parts that are given to serve such necessity, nor the uses of them: and modesty forbids us to mention those things, which may be done very honestly, provided it be in secret. Therefore the plain and open talking[p] of those things, as well as the plain and open acting of them, discovers immodest and wanton inclinations. The Cynics[q] therefore are wholly to be rejected, and some of the Stoics little better than Cynics, who laugh at and blame us for calling those things by their proper names which are really dishonest and scandalous in themselves, while we count it a shame to speak plainly of those, in the doing of which there is no manner of dishonesty.—To rob, for example, to cheat, and whore, are actions in themselves the most shameful and scandalous, and yet it is not counted immodest to name them; where-

[p] *Prodit mores plerumque oratio* (says Quintil.) *et animi secreta detegit; nec sine causa Græci prodiderunt. Ut vivat quemque ita etiam dicere.* Unwholesome waters argue the fountain, from whence they proceed, to be unwholesome too; and when people can delight in such fulsome, lascivious, unbecoming talk, it is a certain sign their inclinations are vicious, and their hearts tend very much to lewdness and debauchery: since from the abundance of these (as the Scripture assures us) the mouth speaketh.

[q] An ill-natured sect of philosophers, followers of Antisthenes, that loved to talk and act in opposition to the rest of the world; and to be snarling and biting at every body and every thing; whence they had their name, the word in Greek signifying *dogged* or *currish*. These people holding, that nothing is commendable but only virtue, nor any thing blameable but only vice; and some of the rigider Stoics with them, cast off all modesty and such kind of things; not being ashamed of doing any thing in public, though never so unbecoming, nor speaking of it openly, provided it were an action that was not dishonest or vicious in itself. But our author here advises us with very good reason, to disregard what they say; and rather choose nature for our guide and directress, than any of their vain and frivolous reasonings. For *Est aliquid quod non oportet, etiam si licet*, as he tells us in another place; some things there are lawful enough in themselves, which yet modesty and civility oblige us to abstain from. See Epist. xxii. lib. 9. *ad Famil.*

as to make one's self a father of children, is an action that is honest and creditable in itself, and yet, forsooth, must not be plainly mentioned, for fear of its giving offence to chaste ears. This, and much more to the same purpose, they commonly urge against bashfulness; but let us follow where nature has shewed us the way, and whatever may offend either the eyes or the ears, that let us shun in our carriage and conversation. In all our postures and gestures of body, such as standing, walking, sitting, and leaning[r]; nay, in our very countenance, in the cast of our eyes, and motions of our hands, we should be careful to keep and observe what is becoming; in which there is a double extreme to be avoided, that of too much niceness and effeminacy on the one hand, and that of mere clownishness and want of breeding on the other. Nor let any one imagine that these things do well in an actor or orator; but that we are left free to observe, or not observe them. The actors indeed have had always so much regard for modesty, as that, time out of mind, it has been their custom never to appear upon the stage in public, without something on to conceal those parts which ought to be kept secret; for fear lest their clothes being opened by any accident, something might be seen which modesty bids them hide. And our common custom forbids the son, when grown towards man's estate, to bathe with his father, and likewise the son-in-law with his father-in-law. We should therefore take care to be strict observers of these rules of modesty, especially being such as even nature herself has directed us to.

[r] *Accubitio* signifies the posture they used in eating, viz. leaning on one side upon a couch, which they called *lectus*, set round about their tables.

CHAP. XXXVI.

Two sorts of beauty, one proper for men, the other for women. Men should avoid niceness, &c. Nothing affected can become. Rules about clothes, walking, and outward ornaments. Outward carriage discovers the inward dispositions of the mind. More care should be taken to keep decency in the motions of the soul. How this may be done. Two sorts of motions in the soul, the sensitive appetite and reason. How each should be managed.

BUT since there are two sorts of beauty in the world, one of which consists in charms and sweetness, the other in gracefulness and majesty; the former of these should be left to the women, and the latter only be thought proper for the men. From hence it follows, that these should avoid all unmanlike ornaments and niceness in their habits, and the same in the motions and gestures of their bodies; for all people hate the affected[a] motions and carriage of those who would be taken for masters of a genteel air; and your actors on the stage have a great many foolish impertinent gestures, which are very displeasing and offensive to the spectators: and in each of these kinds, what is simple and unaffected, is always best liked of and approved by the world. In order to have a true graceful comeliness, you must endeavour to keep a good colour in your face; and the way to do that is to use frequent exercise. Nor do we forbid men the use of all ornaments and graces to recommend them, but only of those that

[a] *Palæstrici motus.* The Palæstra was a kind of dancing-school, and place of exercise, where people were taught to move gracefully and agreeably: whence the word is often opposed to clownish carriage, and, *motus habens Palæstram aliquam*, is a genteel becoming motion in our author *de Perfect. Orat.* But sometimes, it seems, people learn to be affected and foppish in the Palæstra, as they do now in ordinary dancing-schools among us.

are too exquisite and affected; so far they are allowable, as they are necessary to keep a man from being thought a clown, and from shewing a disrespect for the persons he has to do with. And the same rule may serve very well for our clothes; in which to be moderate, as in most other cases, is certainly the best way. We should also avoid an effeminate softness and slowness in our gait, like those that are marching along in procession; and no less an over great hastiness and speed, which only begets a deep panting and breathing, distorts the face, and perfectly changes the whole air of the countenance, which discovers a lightness and inconstancy of humour. Now if the motions of the body deserve all these pains and concern about them, how much care should we take to keep those of the mind within the limits prescribed them by nature and right reason[t]? which never can be done any other way, than by keeping the soul in such an even temper, as not to be concerned or dejected at any thing; and by a constant care and application of thought, so as to mind nothing but what is honest and becoming. Now the motions of the soul are of two sorts, some of them proceeding from the reasonable or thinking, others from the sensitive and passionate part: the former is busied in nothing but searching and finding out of truth; by the latter we are pushed and driven forward to action. It is our duty therefore to employ our thoughts about laudable objects: and so to reduce and over-rule the passions, as that they may ebb and flow in obedience to reason.

[t] If this be not done, the motions of the body, however genteel and graceful they may be, will but make our folly the more remarkable; and such sort of men are well enough compared by one, to an ill piece of painting, set off and adorned with a beautiful frame. Those people therefore, who spend so much time in adorning their outsides, would do well to consider, that they do but make themselves the more ridiculous, unless they take care to make their insides answerable.

CHAP. XXXVII.

Decorum shews itself in speaking. Two sorts of speech. There might rules be given about our ordinary discourse. Two things required in the voice and pronunciation. How each of them may be gotten. Several examples of good speakers. Rules about the manner, subjects, and measures of our common talk.

ANOTHER[u] great instance in which this becomingness shews itself, is our speech and discourse. But whereas of this there are two sorts, the one proper only for argument and contention, the other for common and ordinary talk; we should make use of that when we plead at the bar, or speak in the senate and public assemblies; of this when we meet and discourse with our friends, when we walk in any of the public places, or are sitting at table, and over a glass of wine. There are teachers of rhetoric who give rules about the former; but there are no rules given about the latter; not but that I think there might some be invented; but the business is, there is nobody to be found that would study them if they were; otherwise masters would never be wanting, if there were but learners that would study and employ them. Hence we are almost over-run with rhetoricians, though no small part of the rules which they give, viz. those that concern either the words or the sense, may be very well applied to our ordinary discourse. The voice[x] is that, whereby we can talk, and convey our inward thoughts from one to another; in which there are two things chiefly required; first, that it be clear; and, secondly,

[u] He proceeds now to the second of those three things, in which decorum shews itself, viz. our speech, which he divides into two sorts, &c.

[x] The first thing to be considered in speech is the voice, as to the natural tone or accent of it; which he desires should be clear and harmonious; and shews the great usefulness of its being so by examples.

harmonious. Each of these must be the gift of nature, and is not attainable any other way; but where they are naturally, practice and exercise will increase the one, and imitation of those who speak sweetly and agreeably, better the other. This was the principal thing in the two Catuli[y], which made them be counted men of judgment and learning; though they had some skill in the matter it is true, and so had some others as well as they; but this one thing recommended them so much, that they were esteemed the most perfect masters of the Roman language. The sound of their voices was pleasing and harmonious; they neither slurred over things negligently in their pronunciation, nor yet were too exact in expressing every letter; the former of which would have made their speech obscure, and the latter affected. They never spoke so as to strain their voices, but equally avoided the double extreme, that of faintness and sickliness, as it were, on the one hand, and of too much loudness and elevation on the other. Crassus's discourse was full as witty, and not near so barren, as that of the Catuli; yet these had as great a reputation as he, upon the score of good speaking. Cæsar, who was brother to the elder Catulus, was far more facetious and witty than any of them; so that in court, when before the judges, he would do more by his easy familiar way of talking, than others could do by all the powers of their eloquence. Each of these things should be diligently taken care of, if we desire to act decently on all occasions. Our common discourse[z] then I would have to be such as that wherein the followers of Socrates excel; easy and good-natured, without any

[y] See note on c. xxii.

[z] Having done with what concerns the manner of pronunciation, and regulation of the voice: and advised against affectation, loudness, &c. in speaking; he now proceeds to give some rules about our discourse, as that it should be easy, not tedious, &c. which relate, some of them to the manner, others to the matter, and others to the measure that should be observed in talking; and all deserve to be carefully considered.

stubbornness or stiffness in opinion: let it be seasoned with mirth and pleasantness, and not be too tedious, pert, and assuming, as though it had a right to the attention of the hearers, and nobody else had any thing to do with it; but think it reasonable, as in all other cases, so in this of discourse, to let every man fairly take his own turn. But especially in the first place it ought to be considered, what is the nature of the subject we are discoursing upon; if it be serious, we should handle it with seriousness; but if it be merry, with gaiety and briskness. But the most important thing to be taken care of is, that our talk do not discover any viciousness in our manners; which is apt to appear by nothing so much as by falling too foul upon those that are absent, either by turning them into ridicule, or misrepresenting them by malicious reproachful language. Now the subject of discourse in common conversation is usually one of these three things; either our own private domestic concerns; or those that relate to the commonwealth in general; or, lastly, some matter of study and learning: therefore when our talk begins to ramble from these, we should always be careful to fetch it back to them again. But whatever subjects present themselves, (for we are not all pleased with the same things, nor with any thing equally at all times, but whatever subject, I say, we are upon,) we should consider how far our discourse may be entertaining; and as we could find a time when to begin, so we should learn when to make an end.

CHAP. XXXVIII.

Discourse should be free from passion and heaviness; and shew a respect for those we converse with. Chiding and correction sometimes necessary: rules to be observed in it. In quarrels with adversaries we should avoid flying out into passion. To talk great one's self very unbecoming.

IT is a general rule for the conduct of our lives, that we make it our business to be free from passion; that is, from all violent motions of the soul, which reject and cast off their allegiance to reason. This should be applied to the matter now before us; and all our discourse should be calm and dispassionate, without any transports of anger or desire; as also, on the other hand, without deadness and heaviness, or any such vice: and in every company we should carefully endeavour to shew a sort of kindness and respect for those persons with whom we converse. It sometimes comes to pass that chiding* is necessary; in which we may be allowed a little to raise our voices, and to use more sharpness and authority in our expressions: however, we must be careful that we do not discover any passion; but let it rather be seen that we come to such corrections as physicians do to cutting and scarifying wounds, but seldom, and with a great deal of regret and unwillingness. And indeed we should never come to them at all, unless it be necessary, and when no other methods will do any good: and even then, when we are forced to it, we must be sure, as was said, to avoid all anger; for whatsoever is guided by its influence and directions, can never be done with any prudence or moderation. Our rebukes should be

* He has done with those rules which concern the government of our discourse in general; he now proceeds to some particular species of it. The first of these is chiding or correction, about which he gives us several good directions; as, that it should not be done passionately, &c.

generally mild and gentle: but nevertheless such, as may carry some weight and authority along with them; observing a mean betwixt too great easiness, and breaking out into angry and contumelious language. And whatsoever sharpness we may express in our reproofs, we should let the person so corrected know that we do it altogether for his good, and not for any by-ends or self-designs. In the quarrels[b] we have even with our greatest adversaries, whatever dirty language may be thrown upon us, it is the best way to keep our minds calm and sedate, and never let anger break in upon them; for whatever is spoken or done in a passion, can neither be consistent with the rules of gravity, nor be approved of by those who are present in the company. Lastly, it is a very unbecoming thing for a man to talk great of himself[c] in discourse, and especially when that which he says is false; which is but to imitate Braggadochio in the comedy, and make himself the laughing-stock and jest of the hearers.

CHAP. XXXIX.

What sort of house is fitting for a person of honour. What should be the end of building. The examples of Octavius and Scaurus. A great house brings a reproach on its master, if his worth be not answerable to it, and if he do not keep up the laws of hospitality. Measures to be observed in building. Three rules to be observed for the keeping a decorum in our actions.

AND since we take in, or desire at least to take in, all the several branches of duty, we must not forget to add a word or two about what sort of house is becoming a gentleman or a person of honour[d]. Now the

[b] Another particular sort of discourse is that which falls out in quarrels betwixt opposers; in which it is our duty to be calm and sedate, &c.

[c] A third particular kind of discourse is talking great of one's self, which is always very ridiculous and unbecoming.

[d] Another thing, wherein decency shews herself pretty much, is building, which he therefore brings in here, as it were, by

main end of building is lodging, and other necessary uses of an house; and therefore the draught or contrivance of it should be suited accordingly. But we should not so much regard bare necessities, as not to have an eye to convenience and magnificence. Cneius Octavius[e] the first of that family that was ever consul, built himself a noble and magnificent house upon the Palatine hill, which is said to have gained him a great deal of reputation; insomuch that the people coming usually to see it, the very house was supposed to have gone a great way toward advancing its owner, though a kind of an upstart[f], to the dignity of consul. This some time after was pulled down by Scaurus[g], that so he might make his own somewhat the bigger by it: but whereas Octavius[h], by building his house, had made himself consul; this man, on the contrary, by enlarging of his, though the son of a great and most eminent citizen, not only caused himself to be put by that office, but was moreover brought into shame and dishonour[i], and at last utterly ruined. It is well if a man can enhance that credit and reputation he has got by the splendor of his house; but he must not depend upon his house alone for it; for the master ought to bring honour to his fine seat, and not the fine seat bring honour to its master. But, as in all other cases, a man should not have respect of himself alone, but to other

the bye; in which he would have a mediocrity observed. It is very becoming for a person of quality, to have such a house as is suitable to his quality; neither too little, so as not to have room for the reception of strangers; nor yet too extravagantly great and magnificent.

[e] A famous and great man, as our author in another place calls him, prætor and admiral of the Roman navy, in the Macedonian war with Perseus, when he triumphed for a sea victory. Afterwards he was Cos. about the year of Rome, 588.

[f] Not but that the family was very ancient in Rome, even from the time of Numa Pompilius; but none of them had ever been any way noted, till this Octavius.

[g] See note on c. xvi. book ii.

[h] Whom we spoke of c. xxii.

[i] He was convicted of undue ways of squeezing money out of the allies, and at last forced to go away into banishment.

people also; so it is in this of a nobleman's house, which ought to be made very large and capacious, because he must keep up the laws of hospitality, and entertain multitudes of all sorts of persons in it. For a fine and large house that gives entertainment to nobody, serves but to reproach and upbraid its owner; and especially if it were used to be frequently visited under its former master; for it is an odious thing to have passengers cry, as they go along,

> Ah! good old house, alas thy present lord
> Is widely different from thy former one!

which may justly be said of but too, too many in our own days[k]. Care should be taken, especially when a man builds himself, that he be not too extravagant in his magnificence and expences; which is a very ill thing, though it had no other harm in it but only that one of giving a bad example: for most men are apt, more than in any thing else, to imitate the great ones as to this particular. Where, for example, shall we find the man that rivals the famous Lucullus[l] in his virtues? Whereas how many have done it in the stateliness and magnificence of his country houses? But there certainly ought to be some bounds fixed and prescribed to these things, and those to be according to the rules of moderation; but the measure whereby we are to judge of their being moderate, is their subserviency to the ornaments and conveniences of life: and so much may suffice upon this head. As for our actions[m], the way to maintain this decorum in them is

[k] He reflects upon some of Cæsar's party, who possessed the houses of Pompey's friends; and particularly Mark Anthony, who was got into that which had formerly been Pompey's own.

[l] Lucius Lucullus, a noble and very wealthy Roman, famous for his learning, eloquence, and especially valour; as well as extravagance in building, &c. See his Life in Plutarch, and our author *De Legib.* lib. iii. c. 13.

[m] Having spoken of our carriage of body and discourse, he now proceeds to the third thing, in which decorum shews itself, viz. our actions; concerning which he gives three rules.

constantly to observe these three following prescripts: first, "That we keep all our passions and appetites under the government and direction of reason," than which there is nothing of greater efficacy toward the constant preservation of our duty. Secondly, "That we consider the quality and moment of the thing of which we go about;" that so we may proportion our endeavours accordingly, and take neither more nor less pains about it than it really deserves. And lastly, "That in all these exterior circumstances, which are only designed for a genteel shew and grace of the action, we should keep within the measures of prudence and moderation." Now the best measure we can observe is this, "To keep our eyes fixed on those rules of decorum I have before laid down, and never to transgress them. But of these three rules the first is the most important, "That the sensitive part be kept obedient to the reasonable."

CHAP. XL.

Order to be observed in our words and actions. Wherein it consists. The duties arising from it. An excellent saying of Pericles to that purpose. Of how great moment the due timing a thing is. We should be particularly careful to avoid little indecencies. Harmony and agreement more necessary in our lives, than our music.

IT remains in the next place that we should speak of that order which is to be observed in our words and actions, and of the proper seasons and opportunities of them[n]. And here will fall under our consideration, that which by the Greeks is called εὐταξία; by which I do not mean that εὐταξία[o], which by us is most

[n] He comes now to the third of those things, in which he told us [c. xxxv.] decorum consists, viz. order, or the due timing our words and actions.

[o] The word εὐταξία signifies two things, either the keeping

commonly rendered moderation, and signifies the keeping within due bounds; but that which contains in the notion of it, the preservation of order. We shall crave leave, however, to call even this latter by the name of moderation, which is thus defined by the Stoic philosophers,—moderation is the knowledge of putting whatever we say or do, in its proper place.—From whence it appears, that order and the well placing of things are but different words to express the same notion; for order is defined by the same sect of men to be the ranging of things in their fitting and proper places. Now the place of an action they tell us is, the season of time for doing it; and by the season of time they mean nothing else, than that which the Greeks call εὐκαιρία, and which we express by the word *occasio:* so that, in short, by moderation here, (in the sense of the word which I have just now given,) we mean no more than the knowledge of well-timing whatever we do. Prudence may be defined the same way too, about which we have spoken at the entrance of this work: but now we are discoursing of temperance, moderation, and such like virtues. What the duties of prudence are, is sufficiently explained in its proper place; what those of modesty, and such other virtues as serve to recommend us to those we converse with, and make up the subject of our present enquiry, remains now to be considered. In the first place then, we ought to observe such a due regularity and order in our actions, as that the several parts of our whole lives, like those of a regular and coherent discourse, may agree and be suitable one with another. For what is more unseemly, and contrary to good manners, than when we are engaged about serious business, to bring in some pleasant and merry discourse, that is proper for a feast, or over a glass of wine? It was a very

within due bounds, and so it is opposed to extravagance, or living above one's rank, abilities, &c. or a due timing our words, &c. and so it is opposed to impertinence, unseasonableness, or the like. It is taken by our author here in this last sense.

good answer to the present purpose, which Pericles once gave to Sophocles[p] the tragedian: they were both of them prætors of Athens together, and meeting one day about some business of their office, it happened a beautiful boy passed by; whom Sophocles espying, "Heavens!" said he, "Pericles, what a delicate youth is there!" To which he replied, "A magistrate, Sophocles, should keep a strict guard, not over his hands only, but his eyes too[q]." Now had Sophocles happened to have said the same words at a time when they were choosing of wrestlers or racers, such a rebuke had been wholly undeserved: so much may the merit or demerit of an action depend upon the circumstances of time and place. Suppose, for example, a man had some considerable cause upon his hands, or business that required attentive thinking: could any one blame him for being very thoughtful as he walked or rid? But should he shew himself so at a feast among company, it would be counted a great piece of rudeness and ill-breeding, and this for not observing the difference of seasons. Now as for those things, which notoriously offend against the rules of good manners, such as for a man to sing openly in the streets, or any other gross and apparent absurdity, these are so easy to be observed by all, that we need give no rules or directions about them: but we ought more especially to employ our care, in avoiding those little unheeded indecencies, which are hardly understood by the generality of mankind. And as the least fault or disagreement in the notes is immediately perceived by a skilful musician; so we should take all imaginable care

[p] A famous tragedian of Athens, whose works are still extant, and counted the most perfect in their kind. His being a poet did not hinder him from being a good soldier and a wise statesman. He lived about the beginning of the Peloponnesian war.

[q] The word *abstinentes* refers to both *manus* and *oculi*: in the former case it signifies *uncorrupted*, or free from bribery and receiving gifts; in the latter *chaste*, or free from all wanton and lascivious looks. A magistrate ought to have both.

that there be no disagreement in our lives and actions; and that so much the more, as the harmony in our lives is of much greater consequence than that in our music.

CHAP. XLI.

Decency to be kept even in the least things, as the moving of the eyes, &c. We should observe what is unhandsome in others, and correct it in ourselves. We should ask the advice of experienced persons. Cautions in taking this advice. We should follow custom and civil constitutions. Some things allowable in some great men, which are not so in others. Nothing immodest is becoming. Some particular duties to be observed by all good men.

AS therefore the delicate ear of the artist can quickly discover the least fault in his music; so, would we take as much care in detecting and censuring our vices we might from the least and most trivial matters, make several observations that would be much to our advantage. From the moving of our eyes, for example; from our way of smoothing or wrinkling our brows; from the merry or sorrowful air of our countenances; from our laughter, freedom, or reservedness in discourse; from the raising or falling the tone of our voices, and a great many other such little kind of circumstances, we might easily judge what is handsome and becoming us, and what is repugnant to the rules of our duty, and to that which our nature or character requires. Now in this particular it is a very good way to observe first in others how each of these suits, that so we may avoid and correct in ourselves whatever we see bad and misbecoming in them. For, I know not how, we can sooner spy faults out in other people than we can in ourselves; upon which account there is no better way to correct any learner, than for the

master to mimic his faults before him; that so he, perceiving their deformity in another, may the sooner be brought to amend them in himself. Another good way is, whenever we are in doubt and suspense about a duty, to go to some learned or experienced person, and ask his advice upon the matter in question, before we resolve and determine with ourselves: because, generally speaking, when left to themselves, men are apt to be guided too much by their own inclinations and natures. And in asking this advice we should diligently observe, not only what every one tells us in words[r], but what his real inward opinion is, and what reasons and grounds he may have for such opinions. For as your statuaries, painters, and poets, use to set their works out to be publicly viewed, that so they may be able to correct such faults as are generally found by spectators in them; and as they consider with themselves and their friends, what oversights or mistakes they have been guilty of in them; so should we make use of other people's judgments as well as our own, and do or not do, correct or alter a great many things upon their advice. As for those things that are settled by custom and civil constitutions, I shall give no directions at all concerning them; for they are sufficient directions of themselves: I shall only observe that it is a great mistake in any one to imagine, because such men as Aristippus[s] and Socrates have ventured to say, or do a great many things, which are contrary to rule and received custom, that therefore he may be allowed to do the same; for these were persons of extraordinary merits, and almost more than human perfections; and on that account might demand some privileges, which are not to be granted to the rest of the world. But as

[r] For ill-will, private interest, and a thousand the like things, may make people give us advice, which they do not think best; or blind them and make them think that best, which really is not so.

[s] Several eminent philosophers have been of that name. One scholar of Socrates, and founder of the Cyreniac sect; another his grandson. It is uncertain which he means here.

for the practice and manner of the Cynics, it is wholly to be discarded; for it is a plain offence against the rules of modesty, without which nothing can be virtuous and becoming. It is our duty to pay a respect and deference, as to all those that are virtuous and courageous, who design for the good and advantage of the Republic, and serve or have served her in any of her interests; so to those also who bear any office or command in the state. We should pay in like manner a peculiar regard and reverence to old age; never resist any public magistrate; make a distinction between citizens and strangers; and of strangers themselves, between those in a private and public capacity. In fine, not to mention any more particulars, we ought in all cases both to keep ourselves, and endeavour to uphold and maintain among others, that common correspondence and universal society that is among all mankind.

CHAP. XLII.

Of the several sorts of trade which are creditable, and which not. All those that administer to vice and debauchery scandalous. Lying in tradesmen abominable. How far merchandise is creditable. Husbandry particularly commended.

AS for trades[1], and the ways of getting money, which of them are creditable and which otherwise, I have only these very few things to observe: first, all those are unworthy ways of gaining, which procure one a general hatred and ill-will; as that of the usurers and tax-gatherers, for instance. Secondly, those arts are mean and ungenteel, in which a man is paid for his work, not his skill; for the very receiving a reward

[1] The last thing he mentions, wherein decorum shews itself, is trades and callings; which he divides into genteel and ungenteel, and shews which are the one, and which the other.

for one's labour, is like taking of earnest to bind himself a slave. Nor are they to be esteemed as better than mean and ordinary people, that buy things up by wholesale of the merchants, to retail them out again by little and little; for what they gain is but a very poor business, unless they are guilty of abominable lying, than which there is nothing in the world more scandalous. Again, all handicrafts-men have but a mean sort of calling; and it is impossible that a workhouse should have any thing that is genteel in it.—Further yet, all those trades are pitiful and low, that purvey and cater for the satisfying men's pleasures; fishmongers, butchers, cooks[u], &c. as Terence reckons them up; to which we may add, if you please, perfumers, dancing-masters, and those who supply us with dice or cards. But arts that have something of knowledge and skill in them, or those that are useful and necessary for the public; such as physic, for instance, or architecture, or the instruction and education of youth in good manners; these are very creditable and commendable in those, whose rank and condition is suited for such employments. As for merchandize, it is sordid and mean, when the trade that is driven is little and inconsiderable; but when it takes in a great quantity of business, and bringing home goods from every country, sells them out again without lying or deceiving, we can hardly say but that it is creditable enough: nay, it is most certainly very commendable, when those who are concerned in it only design (after they are sated, or rather contented with what they have gained) to betake themselves wholly from the haven to the country, as before they had done from the sea to the haven, and there enjoy quietly their private possessions. But among all the methods of enriching one's self, there is no one better, no one more profit-

[u] These trades do not so much cater for pleasures, as serve the necessities of life; but I suppose he brings them in here, because of the great abuse of them among the Romans, where indeed their chief business was to serve men's luxury. Cetarius is a seller of salt-fish, as Piscator is of fresh.

able, and pleasant, and agreeable, no one more worthy of a man and a gentleman, than that of manuring and tilling the ground; concerning which I have spoken at large in my Cato Major, from whence you may borrow what is necessary to be said upon this subject.

CHAP. XLIII.

The comparing of two parts of honesty one with another. The duties of prudence or finding out truth, and those of justice or maintaining human society compared; and the preference given to the latter.

AND thus have I finished what I had to say upon the first question[x], and, I think, sufficiently made it appear, how the particular instances of duty are to be drawn from the several heads of honesty. But it often comes to pass, that those very things themselves, which are honest, rival as it were, and come into competition with one another, so as to make it be another question, of two that are honest, which is the most so? Which is a point not mentioned at all by Panætius. For the whole of virtue receiving its rise from those four fountains: first, prudence, or the knowledge of truth: secondly, justice, or doing good to the community and society of mankind: thirdly, fortitude, or greatness of soul: and lastly, temperance, or moderation; it cannot but happen, that several of these must be compared together, before we can be able to satisfy

[x] He has now done with his four heads of honesty, prudence, justice, fortitude, and temperance; and shewn the nature, and laid down some rules concerning each of them; by comparing any of our actions with which we may discover whether they are honest or dishonest, agreeable or not agreeable to the rules of virtue; which was the first general head of deliberation he proposed to speak to. [See c. iii.] The second was, of two which are both honest, which is to be preferred? which he now proceeds to.

ourselves, which it is our duty to prefer before which. First then, if the duties of justice, or preserving the community, and those of prudence[z], or the knowledge of truth, should come into competition one with another; the former, I think, should take place of the latter, as being more consonant to the dictates of nature, which may easily be proved by this following argument: suppose a wise man to be in such a place, as afforded him all the conveniences of life, and all the opportunities of leisure in abundance, so that he might study and contemplate every thing that was any ways worthy his knowledge or contemplation; yet were he wholly deprived of all company, and had nobody ever come near him to be seen, he would quickly be tired, and grow weary of his life. Again, the principal of all the virtues is that sort of wisdom which the Greeks call σοφία; (for as to that sort of it which they call φρόνησις, and we *prudentia*, it is a thing of a perfectly different nature, as being no more than the skill of discerning what it is that we ought, or ought not to do: but that sort of wisdom, which I said was the principal, is, the knowledge of things both divine and human[a]; and so comprehends the society and relation of men with the gods, and with one another. If then this, as most certainly it is, be the greatest virtue; it follows, that the duties which flow from society must as certainly be the greatest; for the deepest knowledge and contemplation of nature, is but a very lame and imperfect business, unless it proceed and tend forward to action: now the occasions wherein it can shew itself best, consist in maintaining the interest of men, and of consequence belong to the society of mankind: from

[z] Of the duties of prudence and justice, which are both apparently good and honest, the latter he proves should take place of the former, i. e. study and contemplation, which are actions of prudence, ought to be laid aside if occasion so require, for the sake of doing good to mankind, which is a part of justice.

[a] See note on c. ii. book ii.

whence it follows, that the maintaining of this, should in reason take place before learning and knowledge. Nor is this any more than what all good men shew they judge to be true by their actions and practices[b]: for who is there so wholly addicted to contemplation and the study of nature, as that, if his country should fall into danger, while he was in one of his noblest researches, he would not immediately throw all aside, and run to its relief with all possible speed; nay, though he thought he might number the stars, or take the just dimensions of the whole world? And the same would he do in the case of any danger to a friend or a parent. From all which things it undeniably appears, that the duties of knowledge and searching after truth, are obliged to give way to the duties of justice, which consist in upholding society among men; than which there is nothing we should be more concerned for.

CHAP. XLIV.

Even those, whose business is the search after truth, are serviceable to the society of mankind, and how. Speaking well preferable to the highest speculations, and why. Man by nature a sociable creature. Knowledge of little use, unless it tend to action, and do some good to the world. Necessity not the reason of men's joining in societies.

NAY those very men, who have spent their whole lives in philosophy and learning, have yet always endeavoured, as much as they could, to be serviceable to the interest and good of mankind. For many brave men, and very useful members of their several states, have in great part been made such by their institutions. Thus Epaminondas[c], the famous Theban, was indebted

[b] Having proved his assertion by reasons, he proceeds to shew, that it is what the wisest men in the world have always thought.

[c] Whom he mentioned c. xxiv. One of the greatest men of

for his education to Lysis[d], the Pythagorean: Dion[e] of Syracuse, for his to Plato; and the same may be said of a great many others: even I myself, whatsoever service I have done the Republic, if at least it may be said that I have done it any service, must wholly ascribe it to that learning and those instructions I received from my masters. Neither is their teaching and instructing others determined to the time of their living here; but they continue to do it even after they are dead, by the learned discourses which they leave behind them: for there is no one point they have left unhandled, relating either to the laws, customs, or discipline of the commonwealth; so that they seem to have sacrificed their leisure and opportunities of study, to the benefit of those who are engaged in business: and thus we see how those men themselves, whose lives have been spent in the pursuit of wisdom, have nevertheless endeavoured by their learning and prudence, to be some way profitable to the community of mankind. And for this one reason, persuasive speaking, if joined with prudence, is a greater accomplishment than the acutest thinking, if destitute of eloquence: for thinking is terminated in itself alone, but speaking reaches out to the benefit of those with whom we are joined in the same society. Now as bees do not therefore unite themselves together, that so they may the better prepare their combs; but therefore prepare their combs, because they do by nature unite themselves together:

all antiquity, for his integrity, learning, and especially valour. He beat the Lacedæmonians several times, and made Thebes, as long as he lived, the chief city of Greece; which before and after him was inconsiderable. Corn. Nep. has written his life.

[d] He lived about the year of Rome 366, born at Tarentum, in Italy, from whence he fled to Thebes, and was entertained by Epaminondas's father, where he died. There is still extant an epistle of his to Hipparchus, the Pythagorean, and some take him to be the author of the Golden Verses that go under the name of Pythagoras.

[e] He lived in the time of, and was near of kin to, both the Dionysius's of Syracuse, the last of which he expelled. See Plut. and Corn. Nep.

so men, and much more, being creatures that naturally love society, in consequence of that, seek how they may find methods of living happily in it. From hence it follows, that the knowledge of things, unless it is accompanied with that sort of virtue, which consists in defending and preserving of men, i. e. in the maintenance of human society, is but a barren and fruitless accomplishment; and even greatness of soul, without a regard to this society and conjunction, is very little better than savageness and barbarity. Thus we may see, that the getting of knowledge is a duty of much less concern and moment than the preserving this society and union amongst men. It is a very false notion that hath been advanced by some people, that necessity alone was the motive to this society, which we have so often mentioned; and that men would never have associated together, but that they were not able, in a solitary life, to furnish themselves with the necessaries of nature; and that every great and exalted genius, would Providence supply him with food and the other conveniences of life, would withdraw from all business and intercourse with mankind, and give himself wholly to study and contemplation. This is not so; for he would avoid solitude, endeavour to find a companion in his studies, and always be desirous of teaching and learning, of hearing and speaking. From all which things it is abundantly evident, that the duties belonging to human society, should in reason take place before those which relate to inactive knowledge.

CHAP. XLV.

The duties of maintaining society not always preferable to those of temperance, modesty, &c. What duties of justice ought to take place of others.

IT ought perhaps to be enquired here, whether the duties of this society[f], which is thus agreeable to the principles of nature, ought always to be preferred before the duties of temperance, decency, and moderation? Indeed I think not; for some things are so very highly scandalous and abominably wicked, that a wise man would hardly be guilty of them, supposing he could bring safety to his country by it. Posidonius[g] has heaped up a great many instances of things of this nature; some of which are so exceeding filthy, and intolerably obscene, that it is a shame even so much as to repeat them after him. These then must never be done for one's country; nor will one's country ever desire that they should; for the best of it is, it is impossible such a conjuncture should happen, as can make it be the interest of any republic, to have wise men be guilty of such abominable actions. We may lay down this then for a certain conclusion, that when several duties come into competition, those should take place before any others, which relate to the maintenance of human society. For wise and considerate acting is the end of all knowledge and prudent thinking; and by consequence, that is more valuable than this[h]. And so much may suffice upon this subject;

[f] Having determined the former question in favour of justice, he now proposes a second, whether the duties of justice ought always to be preferred before those of temperance? He thinks not, and gives his reasons.

[g] An eminent Stoic, scholar of Panætius; he was born at Apamea, a town in Syria, but lived at Rhodes, where Panætius had been before him. [See c. ii. book iii.] He was one of Cicero's masters, who somewhere calls him, *Vel omnium Stoicorum maximum*. Pompey the Great, in his return from the Asian wars, went to Rhodes on purpose to hear him. His works are lost.

[h] According to the maxim of the philosophers, The end is always more valuable than that which is only done for the sake of the end.

for, I think I have sufficiently cleared the way, so that hereafter there will be no difficulty to know which duties are to be preferred before which. But those very duties which relate to society, are of different rates and degrees among themselves; but it is no hard matter to see in what order they ought to be performed. As, in the first place, those to the immortal gods. Secondly, to our native country. Thirdly, to our parents; and so on to all others in their respective places. What has been said in a few words on this last head, I hope is sufficient to make it appear, that it is usual for men not only to doubt, whether such and such an action be honest or dishonest; but also, of two, that are both of them honest, which is the most so? This is one of those two heads, which I at first observed were omitted by Panætius: let us now pass on to the remaining part of our proposed division.

TULLY'S OFFICES.

BOOK II.

CHAP. I.

What will be the subject of this second Book. He applies himself to the study of philosophy, as his greatest consolation in the midst of the public calamities of his country.

WHAT those duties are, son Marcus, which honesty and virtue require of us, and how they arise from their several fountains, is, I think, plain enough from the former Book. I am now in the next place to speak of those others which wholly regard the convenience of life, and are requisite for the getting and enjoyment of those things which serve for our comfortable subsistence here, such as interest, riches, &c. And here I told you the common heads of deliberation were, What is profitable and what unprofitable? and, Of several profitables, which is more, and which most of all such? Concerning which I shall begin to speak, after I have premised but a word or two in vindication of myself and my present undertaking[a]. For though my books have excited several both to the reading, and even writing of philosophy; yet I am now and then apt to be afraid, lest some, who are otherwise very good men,

[a] Having proposed the subject, about which he is to treat in this Book, he defers discoursing of it, till he has answered two objections made against him, for this sort of writing.

should hate and despise the very name of that study[b], and wonder at me for bestowing such portions of my time and pains in so very fruitless and insignificant a manner. To whom I answer[c], that so long as the Republic was governed by those, to whose care and management she had entrusted herself, I was ever diligent, and employed all my thoughts for her good and preservation: but when one man[d] had seized of her wholly to himself, and there was no place left for my counsel or authority; and when I had lost those extraordinary persons, who had been my companions in labouring for her interest, I resolved not to sink into anguish and despair, which had wholly overwhelmed me if I had not resisted them; nor to follow such pleasures or idle ways of living, as were improper, and unbecoming a man of learning. I could heartily wish, had it so pleased the gods, that the Republic had continued in its ancient condition, and never fallen into the hands of those men[e] who are not so much for changing as overturning every thing! I would then, as I did in its flourishing circumstances, spend my time rather in business than writing; and what I did write would not be things of this moral nature, but my public orations, as I have often done. But when the poor state, which had taken up all my care and thoughts,

[b] The first objection against him is, that he spent too much time, and took too much pains, in such a fruitless study, as that of philosophy. For the Romans being a rough and ambitious people, minded nothing before those times, but the arts of war, and increasing the glory of their empire. As for philosophy, &c it was counted fit for none almost but Pedants, and (as they used to call them) the trifling, insignificant Grecians. *Tu regere imperio populos*, &c. was their maxim.

[c] He excuses himself for spending his time in this idle manner, by shewing what he had formerly done for the sake of the commonwealth, and how desirous he is of doing the same again, if the times would permit him.

[d] Julius Cæsar, who having conquered Pompey the Great, got the whole power of Rome into his hands.

[e] Not only Cæsar, but Mark Anthony and his adherents; who, after the murder of Cæsar, endeavoured to get the sole power to himself. See his life in Plut.

and for which I had laboured with all my power, was utterly ruined and sunk into nothing, there was quickly no room left for such orations, either at the bar or in the senate-house: and my active mind, which had always been employed in that kind of studies, now not being able to lie wholly idle, I thought I could find out no better way to get rid of those troubles which oppressed my mind, than by returning again to the studies of philosophy. I had spent a good part of my time in these whilst I was young, for the improvement of my reason; but when I came once to be a candidate for places, and devoted myself to the service of the public, I had little time left for philosophical enquiries, only so much as could be spared from the business of my friends and the state; which was wholly taken up in nothing else but reading, without any leisure at all for writing.

CHAP. II.

Some advantages to be drawn out of evils. The commendation and definitions of wisdom and philosophy. It is the only way of obtaining virtue and happiness. The opinion of the Academics, and why they dispute against every thing.

HOWEVER then we have this advantage in the midst of all our miseries and calamities, that by them we are brought to the writing of those things which were not sufficiently known amongst us, though nothing in the world more deserves our knowledge[s]. For what is there, O ye gods! more desirable than wisdom! what more excellent and lovely in itself! what more useful and becoming for a man! or what more worthy of his

[s] The Romans received their philosophy from the Greeks, and did not begin to cultivate it to any purpose, till Cicero's time.

reasonable nature! Now those who are busied in the pursuit of this, are called philosophers, and the word philosophy signifies no more, if you would take it literally, than a certain desire and love for wisdom: and wisdom is defined by the old philosophers, the knowledge of things both divine and human[h], together with the causes upon which they depend; the study of which whosoever finds fault with, I confess I cannot perceive what it is he would commend; for what study is there that brings so much quiet and satisfaction to the mind, if these are the things which we propose to ourselves, as theirs who are always a searching out something which may contribute to the welfare and happiness of their lives? Or if it be virtue and constancy that we desire, either this is the method of obtaining them, or else there is not any to be found in the world. To say there is no art of those weightier concerns, when none of the most trivial matters is without art, becomes only those who talk without thinking, and deceive themselves in the most important business: but if there is an art of attaining virtue, in what other way do we hope to find it, if this be forsaken of which I am now speaking? But these things used to be more fully handled, when we excite and persuade men to cultivate philosophy; which I have endeavoured to do in another work[i]. My design at present was only to shew, why I particularly chose this study; being thrust from all business and concern in the government. There are others[k], and those

[h] By divine things they meant God, and his nature; together with the world and bodies in it, which are the work of God. By things human, the nature of man, both as to his body and soul, together with the good or ill use he may make of either, viz. virtue and vice: as also the relation he stands in toward God, and other men, with the several duties resulting from it. See *Lips. Stoic. Philos.* book ii. sect. 7.

[i] His book entitled *Hortensius;* because in it he brought in Hortensius condemning, whilst he himself commended philosophy. It is now all lost, except some few fragments.

[k] He proceeds to the second exception made against him, which is this: Cicero being, as before was observed, of the

men of no small learning, who object against me, and ask if I am not inconsistent with myself, who affirm, that nothing at all can be known, and yet have discoursed upon several subjects, and at this very time am laying down rules and directions about duty? I could wish those persons had understood our opinions a little more thoroughly; for we are not of those[1] whose minds are perpetually wandering in uncertainties, and have nothing whereby to determine their assents; (for what sort of mind must a man needs have, or rather what life must he needs lead, when he is utterly debarred from all liberty of disputing[m], and observing any regular conduct in his actions?) nor yet of those others, who call some things certain and others uncertain: but rejecting both these, we say some things

Academic sect, who deny there is any such thing as certainty, how, say they, can you pretend to give rules of duty, when it is a settled maxim of your sects, that nothing can be known? Is not this to contradict your own principles? Or will you say that you do not know the truth of your own rules?

[1] He answers, That he is not of those, who doubt of every thing, viz. the Sceptics or Aporetics, followers of Pyrrho, who held, that all things were equally probable, and nothing could have so much said for it, but that as much might be said against it, and accordingly doubted of every thing in the world. —But Cicero is of a middle opinion between these and the Dogmatics, who hold some things to be certain and others uncertain, and maintains that some things are extremely probable, though not absolutely certain, and others highly improbable; which is the opinion of the Academics, as distinguished from pure Sceptics. Though therefore he will not say his rules are certain, yet he thinks them so very probable, as that no wise man can deny his assent to them. See *De Natura Deor.* lib. i. cap. 5.

[m] Which was the case of the Sceptics; for what disputing can there be with them, who will not allow one thing more probable than another; when all dispute must suppose that some things are probable and true, and from them make out the matter in question? Or what regular conduct can he observe in his life, who doubts whether he sees, hears, or feels any thing or not? Therefore Quintil. with very good reason, excludes Pyrrho from meddling with eloquence, *Cui judices esse*, says he, *apud quos verba faciat, &c. non liquebit.* For he must doubt, if he act according to his principles, whether there be any judge for him to speak to, any criminal to defend, &c.

are probable, and others improbable. Is there any thing then that should hinder me from approving of that which I think most probable, and laying aside that which I think the contrary? Or where is the inconsistency, if, leaving that arrogant pretence of demonstrating, I am neither too rash nor presumptuous in my opinions, which of all things in the world are the farthest from wisdom? Now this is the reason why we Academics dispute against every thing, because what is probable could not appear without comparing the arguments upon either side of the question. But these things are cleared, I think, accurately enough in my books entitled *Academical Questions*. But you, my son, are already engaged in the study of a most noble and ancient philosophy[n]; and have gotten Cratippus for your master and instructor, who is hardly inferior to its most glorious founders: however, I would have you acquainted with our doctrines[o], which are very little different from those of your own sect. But it is high time now to return to our purpose[p].

CHAP. III.

The knowledge of honesty is of greatest moment. Profit and honesty really the same, and distinguished only by an act of the mind. The customary opinion to the contrary, very pernicious. The division of things that are profitable and hurtful to men. The good we receive from inanimate beings, owing to man's industry.

THERE being then, as was before observed[q], five general heads of deliberating and consulting for the finding out our duty: two of which relate to what is

[n] The Peripatetic, of which sect Cratippus, his son's master, was.

[o] The Academic.

[p] See book i. c. 1.

[q] In book i. at the end of c. 3.

honest and becoming; two to the use and conveniences of life, such as plenty, power, riches, &c. and the fifth to the teaching us how we ought to choose, if any of the former should seem to contradict and run counter to one another: we have gone through with that wherein honesty is the question, with which I desire you would be more especially acquainted. The point which now comes under consideration, is what usually goes by the name of profitable; concerning which[1], custom is mightily in the wrong, and by little and little has brought it to such a pass, as to make a distinction between profit and honesty; and settle it as a constant and received maxim, that a thing may be honest without being profitable, and again may be profitable without being honest; the most pernicious error, and most destructive of all goodness, that ever could have crept into the minds of men. The greatest however, and most eminent philosophers, have been always so strict and severe in their writings, as to make the three natures of justice, profit, and honesty be blended and interwoven together in reality; and distinguishable only by an act of the mind: for whatever is just, say they, the same is also profitable; and whatever is honest, the same is also just; from whence it follows, that whatever is honest, the same must be also profitable. Did people but consider this matter as they ought, they would not, as now they commonly do, admire a crafty and subtle sort of fellows, and esteem that wisdom which in truth is roguery. This error therefore should be wholly rooted out of the minds of men, and all should be taught, that if they ever hope to obtain their ends, they should not set about it by the ways of knavery and underhand dealings, but by justice and integrity in their designs and actions. Now all things

[1] Being to discourse about profit, the first thing he takes care of is, to settle the true notion of profit, and root out of men's minds a pernicious error which they have got concerning it. He asserts therefore, and proves by the authority of the greatest philosophers, that nothing can be profitable which is not honest. See book i. c. 3. note g.

that tend to the good and preservation of the life of man[s], are either inanimate, such as gold, silver, the productions of the earth, and other such like; or animals, which have natural powers, inclinations, and appetites. Of these some are unreasonable and others reasonable: the unreasonable are horses, oxen, and other sorts of cattle; to which we may add bees, which produce and make something that contributes to the convenience of the life of men; the reasonable are gods and men.—The means for procuring the favour of the gods, is to live a religious and holy life; next to the gods, there is nothing so capable of contributing to the happiness and welfare of men, as men themselves. The same distribution may serve for those things which tend to the hurt and inconvenience of men. But because it is believed, that to hurt is incompatible with the divine nature[t], the gods for that reason are excepted here; so that men are supposed of all things in nature, to do both the most service and disservice to one another[u]. For, first, those things which are called inanimate[x], are

[s] Having shewn, that nothing can be profitable which is not honest; he now enumerates the several sorts of things, which may be profitable for us; so that, when we know what is best, and what is worst for us, we may endeavour to obtain the one, and avoid the other.

[t] Because the gods being by nature good and kind, if they should harm men, they would act contrary to their own natures. See *Lips. Physiolog. Stoic.* book i. c. 10.

[u] The words, *Et prodesse*, not being found in several manuscripts, have been excluded the late editions; but, I think, without sufficient reason: for this is not a conclusion from the last words only, but the whole sense foregoing: viz. "That men do most good, except only the gods; and most harm of all, the gods not doing any; from whence it follows that men do the most good, and most harm, taken both together, of any thing, to one another. Beside the words following begin to reckon up the several *goods*, which men do to one another; which being brought in with an *enim*, *for*, ought to be a proof of what immediately foregoes, viz. that men do the greatest service as well as disservice, &c.

[x] Being to shew, that men do the most good to one another, he begins with inanimate things, and shews that the service we receive from them is owing to men.

most of them owing to the industry of men; which we neither could get if it were not for their labour and art in procuring them, nor afterwards use without their assistance. For where should we have such a science as physic, as navigation, or agriculture? How should we gather and preserve our corn, and the rest of our fruits, if it were not for men? and then how should those commodities which we want be imported, or those with which we abound be exported, if there were not men to do each of these works? In like manner how could stone be fetched out of the quarries for our necessary uses? How could iron, brass, gold, and silver be dug and drawn out from the bowels of the earth, did not men set their hands to work for these purposes.

CHAP. IV.

Other conveniences from inanimate beings and unreasonable animals received by men's industry. The advantages arising from men's joining in society.

So houses, which serve to defend us from the extremities of heat and cold, could neither at first have been made by mankind, or afterwards, if by earthquake, tempest, or length of days they had fallen to decay, have been repaired or rebuilt, had not men joined together in one common society, learned to borrow help and assistance of one another. To this industry of men we are also indebted for conveyances of water, for making new channels and arms to rivers, and for turning the streams after such a manner, as thereby to water and fatten our grounds; for throwing up banks to defend us from the waves, and making of new harbours in convenient places. From all which instances, and a great many others, that might easily be produced, it is abundantly manifest, that the fruits and advantages reaped from those things which are called inani-

mate, are entirely owing to men's labour and industry. Secondly, those we receive from unreasonable animals[y], how very little and inconsiderable would they be, if they were not augmented by the same people's industry? For who was it but men that first discovered the uses to which beasts in their several kinds might be serviceable? and how at this time could we feed or break them? How could we keep them, and get the most profit and advantage by them, without the endeavours and assistance of the same men? It is they that destroy us those creatures which are hurtful, and procure for us those which may be serviceable to us. Why need I mention a multitude of arts[z], which are absolutely necessary to our well-being here? For what help or succour could those that are sick, or what pleasure those that are healthy, find? How could mankind be supplied with victuals, and other conveniences or comforts of life, if it were not for that number of callings in the world, which are wholly designed to provide them of such things; by means of which men have improved their way of living, and are raised to a condition so far above that of unreasonable animals? Again, cities could neither have been built nor frequented, without a community and society of men: from hence have arisen all laws and customs; the bounds of equity and justice have been settled, and a certain and regular method laid down for the conduct of men's lives. This has brought modesty into request, and filed off the natural roughness of men's tempers; has contributed to the greater security of their lives, and established such a commerce and correspondence among them, as by mutual giving and receiving of benefits, by bartering and changing one

[y] Having shewn, that the advantage they reap from inanimate beings is owing to men; he proceeds to shew the same of unreasonable animals.

[z] Several other things, such as arts and useful inventions, civil society, &c. whereby men are serviceable and do good to one another.

commodity for another, one convenience for another, supplies them to the full with whatever they stand in need of.

CHAP. V.

Nothing extraordinary either in war or peace, can be done without the help of men. Nothing the cause of so much evil to men, as they themselves are to one another. What is the office of virtue. The whole business of it consists in three things.

WE dwell much longer than we need to do upon this subject: for who does not see, which Panætius has spent many pages to make out, that neither a general in war, nor a statesman in peace, could ever perform any glorious exploits, or do any notable service to the public, without the concurrence of other men's endeavours; to confirm this assertion, he brings in Themistocles, Pericles, Agesilaus, and Alexander[a], and tells us that no one of all these, without the assistance of others to support them, could ever have achieved such glorious actions. What he tells us is undoubtedly true, and such a number of witnesses altogether superfluous. And as men thus receive most extraordinary benefits[b], from agreeing and conspiring to lend mutual assistance; so, we shall find, upon changing the scene, that there are no misfortunes or calamities so great, as those which they bring upon one another. Dicæarchus[c], a learned and eloquent

[a] Several of the greatest generals and statesmen among the ancients.

[b] Having thus made it appear, that men do, *plurimum prodesse*, the greatest good to one another; [see note t, on c. iii.] he is now going to shew, that they do the greatest mischief too.

[c] Born at Messene, a city in Sicily, scholar of Aristotle. He was also an eminent orator, and geometrician. He left several works behind him, which are all lost.

Peripatetic, has written a whole book concerning the destruction of men; where, first having reckoned up all other causes of it, such as inundations, pestilences, and famines, and even sudden incursions of furious wild beasts, by which he assures us some whole nations have been devoured; and then placing on the other side, wars, seditions, and such like misfortunes, which men were the occasion of; he endeavours to shew, at the foot of the account, that a great many more have been destroyed by these, than by all other accidents or calamities whatsoever. This then being indisputably true, that the goods men enjoy, and the evil they suffer, proceed for the most part from men themselves; I lay down this as one principal part of virtue, to procure the good-liking and favour of men, and so to engage their endeavours and affections, as to make them still ready to do us any kindness. It is the business therefore of laborious callings to supply us with all the conveniences of life, which may be had from the use of inanimate beings and unreasonable animals; but to gain the affections of men on our side, and beget in them always a readiness and desire to advance our interest, is a work that requires the wisdom and virtue of the greatest men. For the whole work and exercise of virtue in general consists in some one of these three things[d]: the first is a knowledge, in all we undertake, of what is agreeable to truth and

[d] He proves what he just now said, that it requires wisdom, &c. for, says he, the whole work and exercise of virtue consists in one of these three things: 1. The improvement of our reason and understanding; which is the work of prudence, and the intellectual virtues. 2. To govern and restrain the passions, and keep the sensual appetite in subjection to reason; which temperance and the moral virtues do. 3. To gain the affections of men, so as to make them promote our interest; which any of the former may help to do. Thus wisdom or knowledge, for instance, perfect the understanding, and are proper to beget in men confidence or reliance on us. See c. ix. So justice and greatness of soul moderate the passions and inclinations; and also make men love, respect, and honour us. See c. ix. x. xi. &c.

sincerity; what is becoming and suitable to every one's character; what will be the consequence of such or such actions; what are the materials out of which things are made, and what the causes that first brought them into being. The second, a restraining the violent motions and passions of the soul, which by the Grecians are termed πάθη; and bringing the irregular inclinations of the appetite, which by the same are called ὁρμαὶ, under the power and government of reason. The third is a skilfulness of address in our carriage, and a winning demeanour toward the rest of men, with whom we are joined in one common society; that so by their help we may be supplied in abundance with all those things which our natures stand in need of; and by the same may be enabled, should any injury be offered us, to keep ourselves secure from the violence of it; and not only so, but to revenge ourselves also upon the guilty person, and inflict such punishments as are according to the rules of humanity and justice.

CHAP. VI.

How far the power of fortune over men reaches. The several reasons why men favour any one, or submit to his authority.

WHAT means should be used for gaining and securing men firm to our interests, we should mention immediately[e], but we have one observation to make before hand, there is no one but knows that the power of fortune is very great, both as to the good and ill success of our actions[f]: for when she favours us we

[e] Men doing us the most good and most evil, as is shewn, it follows that those are the profitablest actions which engage men to be of our side, and to do all the good they can, and keep from us all the evil: what these are he proceeds now to shew; only observing one thing by the way.

[f] It might have been objected, that the good or ill success of our actions depends upon fortune and not men's assistance;

quickly arrive at our desired haven; but when she turns against us, we as quickly are shipwrecked and run aground. Now of those events which depend upon fortune, there are some that do but rarely come to pass; such as storms, tempests, shipwrecks, ruins, fires, &c. which proceed from inanimate beings; and from brutish animals, kicks, bites, pushes, &c. all which, as I said, do but rarely happen; but the overthrows of armies, as of three but a while ago[g], and a great many others at several times; the deaths of commanders, as lately of a great and extraordinary person[h]; the hatred and violence of the enraged multitude, and, as a consequence of that, the banishments, flights, and utter undoings of well-deserving citizens; as also on the other hand prosperous successes, such as honours, commands, victories, &c. though they are all of them fortuitous things, yet they cannot succeed either the one way or the other, without the assistance and endeavours of men. This being noted, we are now to discourse of those ways and methods, whereby men are drawn and inclined to be for us, and to endeavour all they can for our interest and advantage; upon which, if we seem to dwell longer than we should do, I desire the usefulness of the subject may be considered, and then we may possibly be thought too short. Whatsoever then is contributed by men toward any one's advancement in riches, honours, power, &c. is always done upon some of these motives[i]: first, that

which therefore why should we endeavour to procure? To obviate this he observes, that the most and greatest of what we call fortuitous accidents, could never have fallen out without men's assistance, notwithstanding that usually they are said to come from fortune; such are victories, overthrows, &c.

[g] That of Pompey the Great, in the Pharsalian field; his eldest son's at Munda in Spain; and Juba and Scipio's in Afric; all defeated by Cæsar. See his Commentaries.

[h] Viz. Pompey the Great, who after his defeat at Pharsalia, flying into Egypt, was there treacherously murdered; *Princeps Romani nominis, imperio arbitrioque Ægyptii mancipii, jugulatus est.* See *Vell. Paterc.* book ii. c. 58.

[i] He lays down six things, or principles of action in men,

of kindness, benevolence, or good-will; when for some reasons they love any person. Secondly, honour or admiration; when they respect any one for his virtues, and think he deserves to be highly promoted. Thirdly, confidence, trust, or reliance; when they think they may safely confide in a man, as one that will certainly take care of their affairs. Fourthly, fear, when they stand in any awe of his power and authority. Fifthly, hope, when they expect to get something from him; as when princes or popular men promise great donations. And, last of all, hire, when they are drawn to it by money or presents; which is much the most pitiful and sordid way, as for those on the one hand that are taken by it, so likewise for those that endeavour to make use of it; for it is never well when people shall attempt to get that by money, which ought to be the reward of virtue and merit. However, seeing sometimes one must have recourse to this method as a refuge, I shall give some rules for our direction in the use of it; but first speak of those that are more nearly related to virtue and honesty. In much the same manner, and for several such reasons, men submit to the power and authority of another[k], either because they have a kindness for him; or have formerly received some obligations from him; or respect him for his worth; or hope they shall get something by it; or fear they shall be forced to it, if they do not do it voluntarily; or are drawn by fair promises and large donations; or, lastly, as we see it too often practised in our own Republic, are downright hired to it.

which make one man endeavour to be profitable to another, as love, honour, &c. and shews which of them are convenient, and which not; and by what virtues we may gain each of them.

[k] He brings in this, because he designs to discourse not only about private persons, how they should get others to be serviceable to them; but of governors also of a state or commonwealth, how they should do to make their subjects and allies to be firm to their interests.

CHAP. VII.

A governor should endeavour to make himself loved, and not feared. The fates of several who have taken the contrary method.

NOW of all those methods, which tend to the advancement and maintenance of our interest, there is none more proper and convenient than love, and none more improper and inconvenient than fear[l]. For, as it is very well observed by Ennius, whom men fear, they also hate; and whom they hate they wish out of the world. But that no force of power or greatness whatsoever can bear up long against a stream of public hate, if it were not sufficiently known before, was of late made appear by an instance of our own. And not the violent death of that tyrant[m] only, who by force of arms oppressed the city, which now most obeys him when taken out of the world[n], but the like untimely ends of most other tyrants, who have generally been attended by the same ill fate, is a manifest token that the hatred of the people is able to ruin the most absolute authority: for obedience proceeding from fear, cannot possibly be lasting; whereas that which is the effect of love, will be faithful for ever.—It is well enough in those who by open force have reduced any nation, and accordingly rule it with an high hand, if they do sometimes use rigour and severity, like masters towards their slaves when there is no other way of holding them in subjection: but for those who are magistrates in a free city, to endeavour to make them-

[l] He begins with the first ground of men's being serviceable and obedient to us, love; to which he adds its opposite, fear: and comparing them one with another, rejects the latter as a very unsafe and inconvenient one, and magnifies the former.

[m] Julius Cæsar, who was assassinated in the Senate-house. See *Sueton.* and *Plut.*

[n] By adhering to Mark Anthony, and others, who pretended to be revengers of his death; endeavouring to fire the houses, &c. of the conspirators, &c. See the afore-cited authors.

selves feared by the people, is one of the maddest and most desperate attempts upon the face of the earth. For though a man should by his power and greatness oppress the laws and over-awe liberty by terror and threatenings, yet still they will find time to recover again, first, by the private resentment of the citizens, and afterwards by their choosing, in secret consults, some worthier person to free them from the oppressor. And liberty, after she has been chained up awhile, is always more cursed, and sets her teeth in deeper, than she would otherwise have done if she had never been restrained. Let us therefore embrace and adhere to that method, which is of the most universal influence, and serves not only to secure us what we have, but moreover to enlarge our power and authority; that is, in short, let us rather endeavour to be loved than feared, which is certainly the best way to make us successful, as well in our private as our public business. For those who desire to have others be afraid of them, must needs be afraid of those others in their turns: what, for instance, shall we imagine of the elder Dionysius[o]? With what eternal fears and apprehensions must he needs be racked, when, daring not to venture his throat to any razor, he was forced even to singe off his beard with coals[p]; or what of Alexander[q], who was surnamed the Pheræan? In what torment, think we, must he perpetually live, when, as it is usually reported of him, he dared not so much as to rise from table,

[o] A tyrant of Syracuse, son of one Hermocrates. He seized upon the government at twenty-five years old, about the year of Rome 447. [See our author's *Tusc. Quest.*] His son of the same name succeeded him in his tyranny; but was expelled for it by Dion. See Plut. Life of Dion.

[p] His barber one day happening to say, that his life was in his hands, he caused him to be murdered, and made his daughters shave him for some time. But afterwards suspecting even them too, he used singeing, as the safest way he could think of.

[q] See c. xxx. book i. He, by his savage cruelties and injustice, made all the world hate him. The Thessalians begged aid of the Thebans against him, who sent their general Pelopidas several times; whom he by treachery got into his power, and kept prisoner a good while.

and go to his own wife Thebe's chamber, one whom he loved with an entire affection, without a barbarian, and him, as it is said, too a branded Thracian[r], to lead the way with his naked sword; and would always dispatch some of his guards before him, to search all the clothes and coffers of the women, for fear lest any weapon might be concealed within them? O miserable and unhappy man, who could think a barbarian, one who carried the marks of his condition in his forehead, would be faithfuller to him than his own wife! Neither, it seems, was he mistaken in it; for he was afterwards murdered by her procurement[s], upon suspicion of having to do with some other woman. Nor indeed can any authority, how absolute soever, subsist very long when it is thus generally feared: Phalaris[t] himself, who is particularly remarkable for his barbarous cruelties, may serve for a witness to this truth; who was not destroyed by domestic treacheries, like that Alexander whom I just now mentioned; nor yet by some few men conspiring his death, like our late tyrant; but by a general insurrection of all the Agrigentines falling upon him at once. Again, Did not the Macedonians revolt from Demetrius[u], and all with one consent march over to Pyrrhus? And when the

[r] The Thracians were counted some of the savagest barbarians, and ordinarily made use of by tyrants in those times, as the fittest executioners of their bloody designs. To be marked on the forehead was a token of honour among them, as it was of disgrace and slavery amongst others. But Cicero here seems to speak of this man, as a slave or villain: it is probable therefore he might be a Thracian slave, and marked as such after he came into Greece.

[s] She persuading her three brothers to it, who accordingly slew him in his bed. See Plut. Life of Pelopidas.

[t] A noted tyrant of Agrigentum, in Sicily, son of Laodamas, born at Astypalea, but expelled his own country. He is remarkable for his cruelty, particularly for a brazen bull, in which he used to torture those, whom he had a mind to get rid of. He is said however to have loved learning and learned men. There is still extant a Book of Epistles under his name.

[u] Surnamed Poliorcetes, a king of Macedonia, son of Antigonus, one of Alexander the Great's captains. By his pride

Lacedæmonians grew insolent and tyrannical, did not their allies upon a sudden forsake them, and shew themselves idle and unconcerned spectators of their ruin at Leuctra[x], without ever stirring one foot to their assistance?

CHAP. VIII.

The just and gentle government of the old Romans: when changed, and the fatal consequences of that change. Cæsar's and Sylla's unjust cruelties. One cause of civil wars is, men hoping to raise themselves by them. All have occasion for some friends, though not for general love.

I MUCH rather choose, upon such a subject, to bring instances from foreign, than our own nation. However, I cannot but observe thus much, that so long as our empire supported itself, not by the methods of injustice and violence, but rather by actions of kindness and gentleness; wars were undertaken to protect its allies, or defend its honour, and accordingly their issues were attended with mercy, or at least no more rigour than was absolutely necessary. The senate then was a kind of port and refuge for princes and nations to have recourse to in their need; and our officers and commanders made it their greatest glory to defend their provinces, and assist their allies, with justice and fidelity. This city therefore was not then the empress[y], so properly as the protectress of all the

and insolence he made the Macedonians desert him, and go over to Pyrrhus. See his Life in Plutarch.

[x] A town in Bœotia, where the Lacedæmonians were entirely routed by the Thebans, under the conduct of their brave leader Epaminondas. See c. xxiv. book i.

[y] *Patrocinium verius quam imperium.* It was the duty of a patron to protect and defend, not to rule over his clients: and one was never the less free, because he was under the patronage of another, but only the more safe as being protected by him. In like manner one nation might be under another, and

world. This conduct and method of managing the state, began by little and little to wear off before, but utterly vanished immediately after the victory of Sylla[z]; for people began to think nothing could be unjust to their confederates and allies, when once they had seen so great cruelties exercised even upon their very fellow-citizens. This man therefore was in a just cause, but which was followed by a cruel and most unjust victory: he having had the boldness and impudence to say, when in full market he was selling the goods of some honest and wealthy men, and whom he himself knew to be Roman citizens, that he was going to make sale of his own booty. But there has come one after him, whose cause was impious, and his victory yet more scandalous and inhuman[a]; who did not stop at selling of private men's estates, but involved all our countries and provinces together in one common calamity. Hence we have seen, after havoc and devastation made in other countries, as it were by way of prelude to the loss of our own empire, the city Marseilles[b] drawn along in triumph; and that very place, without whose assistance our former generals never brought a triumph from beyond the Alps, has now found one that could have so much impudence, as to triumph over its own destruction. I might bring in a great many other examples of most impious treatment that hath been shewn towards our allies: but this single instance is

as it were, the client of another, and yet be a free nation for all that. Whence there is a difference in Roman authors, betwixt *in fide esse*, and *in ditione esse pop. Roman.* The latter denoting a loss of liberty; the former only some sort of inferiority and homage.

[z] Luc. Sylla the dictator. He took up arms against Marius, and defended the cause of the nobility against the commons, in a bloody civil war: but after his victory was inhumanly cruel. See his life at large in Plut.

[a] He means Julius Cæsar.

[b] A city in France, which had always taken part with the Romans, in all their wars on that side. But declaring for Pompey in the civil war, it was sacked by Cæsar; who carried along a figure of it, as was their usual custom, with him in triumph.

abundantly sufficient, being one of the basest that was ever committed before the face of the sun. The truth of it is, we have deserved these misfortunes; for if others had not escaped without punishment for their wickedness, this man could never have arrived at that insolence; who though he has left but few heirs of his estate, I am afraid will have a great many wicked ones of his ambition: for as long as some dissolute and profligate fellows remember that former inhuman auction[c], and are in hopes one day of seeing the same again, they will always be for propagating civil dissensions. Thus Publius Sylla, who was so busy in that mentioned, when his kinsman was dictator, was never contented till he had managed a worse and more inhuman auction six and thirty years after[d]: and another[e], who was scribe in that former dictatorship, in this latter was advanced to be treasurer of the city. By all which it is easy enough to perceive, that we are never to expect we shall be free from civil wars, so long as people hope to make their fortunes by them.—We have therefore only the walls of our city remaining entire, and even they, as it were, expecting to feel the effects of their abominable wickedness; but as for the Republic, it is absolutely sunk into ruins and nothing. And all these misfortunes have fallen upon us (that I may return to the subject which occasioned this digression) by our choosing to govern rather by fear than love. What then ought particular persons to expect, when tyranny and oppression could bring all these evils upon the whole Roman empire? This then being so manifestly plain, that love is a most powerful motive to obedience, but fear a most weak and dangerous one[f]; it follows in the next place, that we should dis-

[c] When Lucius Sylla sold the goods of the Roman citizens, whom he had outlawed, and caused to be slain.

[d] When Cæsar sold the goods of those who had been of Pompey's party.

[e] One Cornelius, mentioned by Sallust in Lepidus the consul's speech against Sylla.

[f] Having shewn how convenient love, and how inconvenient fear is, for the advancement of our interest; it remains that

course of those means, whereby such a love, joined with honour and confidence, may most easily be gotten. Now this is what all men do not equally stand in need of; but each should consider his own way of living, and accordingly judge what is convenientest for him[g]; whether to be beloved by the generality of men, or only by some few and select persons. This however we may lay down for certain, as a first and most necessary rule in this case, to procure at least some faithful and sincere friends, who may have a true kindness and esteem for us. As far as this reaches, there is very little difference between even the greatest and meanest of people, and all sorts of them are almost equally concerned to endeavour after it. As for honour, glory, and the general good-will of all the citizens[h]; these indeed are things which are not alike useful and necessary for all. However, for those that have been able to get them, they are very good helps, as for most other purposes, so for the obtaining of faithful friends: but of friendship I have treated in another work, which is entitled *Lælius*.

he should shew how the former may be obtained. To it he joins honour and confidence; the second and third means mentioned c. vi. which three together make up true and perfect glory. See the next chap.

[g] Before he enquires how this love is to be gotten, he divides it, (if I may so say,) into love of friendship, which consists in having some few good friends; and this he says all, whether great or mean, are almost equally concerned to get; and general love, which consists in the kindness and general good-will of all the citizens; and this is necessary but to some few. Of the former he has spoken in his *Lælius*, or of friendship; and therefore passes it by here. The latter he gives some rules about here, as making up, together with confidence and admiration, true and perfect glory.

[h] That is, though all do not stand in need of the general love and good-will of the citizens, yet particular and private friends are as useful to the meanest, as to the great and more powerful.

CHAP. IX.

What the ingredients of true glory are. By what means the love of the people may be obtained. How men may be brought to place a confidence in us. Justice more powerful than cunning to this end.

LET us now proceed to discourse of glory; though that too is a subject, upon which I have two books already extant[i]; however, I shall touch upon it here in short, because it is a thing of such weight and moment towards the successful management of the most important affairs. True and perfect glory, then, is always made up of these three ingredients: First, the love and good-will of the multitude. Secondly, their trusting and reliance upon a man. And, lastly, their valuing and admiring him, so as to think him a person that really deserves honour. The means of getting these three from the multitude, to give one short and easy rule, are very much the same as from particular persons. However, there is another peculiar way of approaching the people, and gaining admittance into the hearts and affections of all men in general. Of those three then, which I just now mentioned, let us first see the ways of obtaining love[k]. Now the love of the people is moved by nothing so much as by bounty and doing kindnesses: next they are pleased with an hearty desire and inclination towards it, though a man have not wherewithal to exercise it: thirdly, the very name and reputation of having beneficence and liberality, justice and fidelity, with the rest of those virtues which give a kind of smoothness and agreeableness to our conversation, is of very great efficacy in getting us the favour and love of the

[i] They are both lost. He mentions them two or three times in his Epistle to Atticus, particularly book xvi. epist. 6.

[k] He discourses, in order, of the ways how to obtain these three, and first love; the means of gaining which are liberality, a generous disposition, &c.

multitude: and the reason of it is, because honesty and decorum delight us of themselves, and by their own native beauties and excellencies move and engage the hearts of all men: which seeing they appear with more lustre and virtues, which I just now mentioned; it follows, that by nature we must love those people, in whom we suppose such virtues to reside. And these are the principal causes of men's loving us: there might, I confess, be some others given, but not of equal weight and importance with these. We are to speak in the next place of their trusting or confiding in us[l]; for the compassing of which, it is necessary we should be supposed to have two qualifications, viz. prudence and justice. For we trust those men[m], whom we believe to understand matters better than we do; to be wise enough to see things before they are arrived, and in the management of them, if any danger should happen, to be ready at finding out ways and expedients, to disentangle themselves from the perplexities of it: in which men imagine that all true and profitable wisdom consists. But when a man is found really just and faithful[n], that is good, we place so much trust and confidence in such a one, as not to entertain any the least suspicion of deceit or injury. To such a man therefore we think we may wisely, and with a secure confidence, entrust our safeties, our children, and our fortunes. Justice therefore, of these two virtues, has much the more strong and effectual tendency to procure this credit and confidence from the people. For that, even without wisdom, can go a great way toward the obtaining of this end; whereas wisdom, without that, is unable to do any thing: for the more shrewd and cunning any person is, the more he is suspected and hated by the world, if he be not counted

[l] Secondly, how men are brought to confide and trust in us, which is the second part of true glory. The two great means are justice and prudence, or knowledge of business; of these justice is the chief.

[m] How prudence makes men confide in us.

[n] How justice makes men confide in us.

honest and upright withal. Justice therefore, in conjunction with wisdom, can make a man be trusted as far as he pleases; justice without the other can do a great deal; but the other without that is of no force at all.

CHAP. X.

Why he talks of wisdom and justice as separate from one another, though really there is a mutual connection between them. What will make men admire any one. The difference between despising and having an ill opinion of a man.

SOME men perhaps will be ready to admire, since it is so generally agreed on by philosophers, and has been so often asserted by me myself, that whoever has one must have all the virtues°: why I should speak of them separately now, as though it were possible for a man to have prudence, without having justice at the same time. I answer, that the way of expression is highly different, according to the difference of the subjects we are treating of; whether they are such as require a niceness and subtlety in handling, or to be suited to the capacities of ordinary people. I do but speak here with the vulgar therefore, when I call one man courageous, another just, and a third prudent; for in treating upon a subject which concerns the people, we must make use of common and ordinary expressions; which is what has been done by Pantius himself. But to return to our purpose: of the three

° In the former chapter he mentioned prudence and justice as separate from one another, whereupon it is objected that he talks unphilosophically; all the philosophers (and himself too) having maintained, that the virtues are all connected and linked together, and cannot be separated from one another. This objection, with his answer to it, occasions this short digression. See the third note on c. v. book i.

ingredients[p], which we said were required to the making up of glory; the third was this, that men should admire and value us so, as to think we are persons that really deserve honour. Now generally speaking they are apt to admire whatever they see great, and beyond their apprehensions[q]; and likewise in particulars, if they discover any excellency which they never expected. They admire those therefore, and extol them even to the skies, in whom, as they think, they have found any rare and extraordinary qualities: but as for those others, who have neither virtue, spirit, nor courage in them, these men they wholly despise and set light by. For they cannot be said to despise all those, of whom they entertain but an ill opinion[r]. They are far from thinking well of your roguish, backbiting, cozening sort of fellows, who are never unprepared for the doing man an injury; but by no means despise them for all that; their contempt, as was said, lighting only upon those, who neither do good to themselves, nor others, as we commonly speak; that is, who spend all their lives in mere idleness and sloth, without ever minding or taking care of any thing. Those who are esteemed to excel in virtue, more especially draw men to wonder and admiration[s]; who keep themselves free, as from all other things that are base and unbecoming, so more especially from those sorts of vices, which the rest of mankind cannot so easily stand against. Pleasures, for instance, are very alluring and charming mistresses, which are apt to ensnare the better part of the soul, and entice it aside from the paths of virtue;

[p] He has shewn how the two first ingredients of true glory, viz. the love and confidence of the multitude, are to be obtained: here he proceeds to the third, their admiring, &c.

[q] The extraordinariness of any thing, the first cause of men's admiration.

[r] But rather are afraid of them, lest they should do them some injury, or other.

[s] A more particular cause of admiration is extraordinary virtue: especially resisting pleasure and pain, which most men are apt to be conquered by; which is courage or greatness of soul.

and pain, on the contrary, racks and torments us, so that the dread of it carries most men beyond the bounds of reason. Thus again, when life and death, riches and poverty, are the things in question, there are very few men but are wholly transported with desire of the one, and abhorrence of the other. When a man therefore has got such a great and exalted soul, as that he can look upon all these things with indifference; and closely pursue and adhere to honesty, in whatever shape she presents herself; then it is that virtue appears with such a brightness, as that all the whole world must admire her beauties.

CHAP. XI.

Justice, and a contempt of riches, are especially causes of men's admiration; justice alone procures all the three things which make up glory, and how. It is a necessary virtue for all sorts of people. Even robbers and pirates cannot subsist without it. Some examples to this purpose.

SUCH a constitution of soul therefore, as can make a man despise all these goods or evils[t], begets him a mighty esteem and admiration; but especially justice, which single virtue serves to give men the name and denomination of good, seems much the most admirable to the generality of people: and not without reason, it being impossible for any one to be just, who is afraid at the approaches of death, of pain, of banishment or poverty[u]; or prefers those things which are contrary to these[x], before the great duties of justice and honesty. And more particularly yet, men admire those, whom

[t] Those mentioned in the last chapter, pleasure and pain, riches and poverty, &c.

[u] For it is but clapping a pistol, or the like, to such a man's breast, and he will betray his friend or country, break his word, or any thing in the world, rather than lose his beloved life; and consequently cannot be resolutely just.

[x] Viz. life, pleasure, riches, &c.

they find unconcerned as to the matter of money; and count them tried, as it were like gold in the fire, who have been able to withstand the temptations of it. Justice therefore of itself is sufficient to procure those three things that are requisite to glory; in the first place, the love and good-will of the people; because its chief aim is the being serviceable to very many[y]. Secondly, their confidence: and thirdly, their admiration; for the same reason, because it neglects and despises those things, which the rest of men pursue with such eagerness and passion. Now, in my opinion, not only the being in a public station, but every method of living whatsoever, requires the helps and assistance of men[z]; as for other ends, so particularly for this, that we may have some familiar friends to converse with; which it is no easy matter for a man to obtain, without at least the shew and reputation of honesty. From hence it follows, that it is necessary even for those men themselves, who have withdrawn from the world, and chosen the quiet and retirements of the country, to be reputed at least men of honesty and integrity: and that so much the more, because otherwise they will certainly be counted dishonest; and then, having nothing of guard or defence, they must needs be exposed to perpetual injuries. The same justice also is necessary for those, if ever they hope to succeed in their business, who buy, sell, let, hire, and are concerned in the commerce and affairs of the world: nay, it is a thing of such powerful moment and universal influence, as that those who live only upon villanies and wickedness, can never subsist without something of justice: for should any thief steal

[y] He takes justice in the larger sense here, so as to comprehend bounty and liberality. See first note in c. vii. book i.

[z] Having shewn how necessary justice is, for those who live in the eye of the world, and endeavour to get true and perfect glory: he is now going to shew, that it is necessary also for all sorts of men, viz. those of privacy and retirement; those of trade and commerce in the world; nay for even thieves and pirates.

from another that belonged to the same confederacy, he would immediately be expelled, as unfit to be a member even of a society of robbers; and should the leader himself not distribute their booty, according to the measures of justice and honesty, he would either be murdered or deserted by his company. Nay, it is said that your robbers have some certain statutes, which they are all of them bound to observe among themselves. Theopompus[a] tells us of a certain rogue, one Bardylis[b], an Illyrian, that got a great power by the fame of his justice in dividing the prey: and Viriatus[c] the Lusitanian, got a much greater, to whom even some of our armies and generals[d] were forced to yield, till he was beaten and weakened by that Caius Lælius[e], who was surnamed the Wise, in the time of his prætorship; who brought down his haughtiness to so low an ebb, as to render the war easy for those that came after him. If justice then be of so great efficacy, as to raise and increase even the power of pirates; of what mighty force must we suppose it to be in the midst of laws, and in a well-constituted republic?

[a] A famous Greek historian, born in the isle Chios, and scholar of Isocrates, who used to say that he was forced to use a spur to Ephorus, and a bridle to Theopompus. He is highly commended by several of the ancients. Corn. Nep. accuses him of ill nature in his characters of men. He left several works, which are lost.

[b] He was afterwards conquered by Philip, son of Amyntas, king of Macedonia. Pyrrhus, the famous king of Epirus, married his daughter.

[c] A man of very great cunning and valour; he was first a huntsman, afterwards a general of a formidable army. See *Florus, Paterc. &c.*

[d] C. Plautus and M. Vitellus, or, (as others say,) Claudius Unimanus, the Prætors. At last Servilius Cæpio got him treacherously murdered.

[e] The same whom he brings in speaking in his book *De Amicitia.*

CHAP. XII.

What made men at first choose kings, and make laws. The justest men usually made kings; and why. How to make use of the glory he hath been discoursing of. An excellent rule of Socrates. Glory must be founded upon solid virtue. Whatever is counterfeit will sometime be discovered.

IT was for the sake of enjoying the benefits of this justice[f], the great use of which we have now been discoursing of, that the Medes heretofore, as we are told by Herodotus[g], and I am apt to imagine our own ancestors too, chose always the honestest persons for their kings. For the poorer sort of people, being oppressed by the richer, had recourse to some one of remarkable virtue, to save and protect them from violence and injuries; who constituting measures of equity and justice, bound the greatest to observe them as well as the meanest. And that which was the reason for their choosing kings, in like manner put them upon enacting laws: for men have always desired to enjoy such a right, as all sorts of them might have an equal share in, for otherwise indeed it would be no right at all, which when they could get by the justice and honesty of some one person, they were contented with him, and never looked any farther; but when they could not, they were put upon a necessity of inventing laws, which could never be partial, but use the same language to all ranks and conditions. It is very plain, therefore, that those men were usually chosen to be kings, who were counted by the people men of honesty

[f] He still goes on in his commendation of justice, and tells us, that kings heretofore were chosen according to their characters for justice and integrity.

[g] The first of any great note among the Greek historians, very well known by his works, which are still extant in nine books; which for their sweetness and elegance are deservedly called by the names of the nine muses.

and integrity; but if they were held prudent and wise withal, the people thought there was nothing they might not obtain by their conduct and management. By all means therefore let us constantly follow, and stick close to justice; as for its own sake, (for otherwise indeed it will not be properly justice,) so for the increase of our honour and reputation. Now as it is not sufficient for a man to get riches, unless he has the wisdom to dispose of them[h], so, as thereby to furnish out all his expences, not only those of his bare necessities, but those of his bounty and liberality too: so neither is it enough for a man to get glory[i], unless he knows how to make use of it with discretion; though what Socrates says is very excellent to this purpose, "that the readiest way, and, as it were, shortest cut, to arrive at glory[k], is really to be what one desires to be accounted." Those people therefore are highly mistaken, who think of obtaining a solid reputation, by vain shews and hypocritical pretences; by composed countenances and studied forms of words: for true glory takes deep rooting, and grows and flourishes more and more; but that which is only in shew and mere outside, quickly decays and withers like flowers; nor can any thing be lasting that is only

[h] He has shewn what these virtues are, which make the people love, &c. But as it is not enough for a man to get riches, unless he knows how to make use of them too; so after we have gotten the virtues he has mentioned, the next thing that comes to be considered is, how we should use them, so as to be remarkable in the world; and let people see, by our practice and exercise in some sort of life, that we are such persons as deserve their love, confidence, and admiration.—For these virtues themselves are only the ground-work or foundations, as it were, of perfect glory: and we know foundations are laid in the earth, and require something else to be built upon them, before they are taken notice of in the eye of the world. Here he puts in, by way of caution, a saying of Socrates, that we make sure in the first place that we really are such, &c.

[i] By glory here he understands the virtues of justice, &c. which he has just been discoursing of, as the foundations of true glory.

[k] Outward glory, not the virtues themselves.

counterfeit. I might bring a great many pregnant examples for the proof of these assertions; but for brevity sake, I shall content myself with those of but one single family. Tiberius Gracchus[l], the son of Publius, will always be praised and had in admiration, as long as there shall any memorials remain of the Roman achievements; but his sons[m], on the contrary, were not in their life-times approved of by good men; and since their decease have been numbered among those, who were justly slain.

CHAP. XIII.

What young men should do to make themselves known, and taken notice of in the world. Courage in war, the first thing that sets off young men. Another, temperance, sobriety, &c. Keeping often company with wise and good men, another thing that very much recommends them.

IT is the business therefore of those, who desire to get true glory, strictly to discharge all the duties of justice; what those are, we have shewn already in the former book. I shall now proceed to lay down some directions, how a man should do to appear before the world what he is in himself[n]; though that of Socrates

[l] A noble, wise, and valiant Roman, who was twice consul, and as often triumphed; and at last was made censor, in which office by his wisdom and prudence he saved the Republic. [See *Cic. de Orat.* l. 9.] He married Cornelia, the daughter of the elder Africanus, by whom he had the two Gracchi.

[m] Tib. and Caius Gracchus, two eloquent and ingenious young men: but for attempting to make laws pernicious to the state, about equally dividing lands, &c. they were both slain; the former by Scipio Nasica, and the latter by Opimius the consul. See Paterc. book ii. c. ii. iii. vi. vii. and their lives in Plut.

[n] His design is to shew, what methods a young man, who is just coming into the world, (supposing he has laid a foundation of virtue,) had best enter upon, that he may make himself known, and taken notice of among his citizens, that so his virtues may not lie hid and concealed. In order to which he

Socrates is certainly the wisest that can possibly be given, to make sure in the first place that he really be in himself, that which he desires to appear before the world. For when a young gentleman is just come into the public, and is already known and remarkable in it, either by the fame of his father's actions, (which I think, son Marcus, may be your case;) or by any other means or accident whatsoever; the eyes of all are immediately upon, and every one is enquiring after what he does, and how he steers his life; and, as though he were set in the public view, so none of his actions, or so much as his words, can be long kept in secret.—But those, who at the beginning and entrance of their lives, by reason of their meanness are unknown to the world; as soon as they arrive at years of discretion, should set before their eyes the most honourable places, and bend all their studies and honest endeavours toward the obtaining of them; which they ought to do with so much the more boldness, because men are so far from envying youth, that they rather encourage and forward them in their progress. The first thing then, that sets a young man off, and recommends him to the public, is courage and bravery in martial affairs[o]; by which a great many amongst our forefathers, who were scarce ever wholly disengaged from wars, very nobly distinguished and signalized themselves. But you, my son, have had the misfortune to light upon the times of a civil war, wherein the one party was wicked and detestable[p], and the other unfortunate and unsuccessful[q]; in which, however, when Pompey had given you the command of one wing[r], you got much praise from

distinguishes young men, into those who are remarkable already upon their ancestors' account, &c. and those who are unknown and obscure. They must both take to some honourable way of life, so as to signalize their valour, honesty, &c.

[o] Courage in the wars, the first thing that makes a young man become remarkable.

[p] That of Julius Cæsar.

[q] That of Pompey the Great.

[r] Each body of foot consisting of two legions, had two troops of horse to support it, one on the right hand and the

that great commander and all his army, by your riding, darting, and patiently abiding all the fatigues of war. But as for this piece of your rising glory, that, and the whole constitution of the Republic, are both of them fallen to the ground together. But I never designed so to model this discourse, as that it should be proper for none but you; but that it might be applicable to all men in general; I shall go on therefore to the remaining part of it. As then in all things the functions of the soul are more noble and excellent than those of the body; so the effects of our reason and understanding are greater and more powerful, as to this particular, than those of mere strength. Now of these there is none that can more recommend and adorn a young man, than temperance and sobriety[s], duty and respect to his natural parents, love and good-nature towards his friends and relations. Another good way for young people to get known, and have a good reputation, is often to attend on some great and wise men, who are thought to design for the good of the public[t]: for when they are observed to be frequently with such, the people are presently apt to imagine, that they will be like those men, whom they choose for their patterns. Thus Pub. Rutilius[u], when he was young, had the general vogue of a very honest man, and an able lawyer, because he frequented the

other on the left. Cicero's son commanded one of these, being called wings.

[s] Of the virtues that do not require strength of body, temperance, &c. most recommend a young man.

[t] A third thing that recommends young men is, keeping frequent company with those that are wise, and lovers of their country.

[u] P. Rutilius Rufus, a noble Roman, consul together with Cn. Mallius. He was scholar of Panætius, [see book iii. c. 3.] a great lover of learning, and very well skilled in philosophy and the civil laws. Cicero in his first book *de Oratore* calls him *Exemplum innocentiæ:* and *Vell. Paterc.* book ii. c. 13. *Virum non sui tantum seculi, sed omnis ævi optimum.* However he was accused by the malice of some men, and condemned of extortion, and accordingly banished. Of which see the forecited places.

house of Mutius[x]. As for Crassus[y], whilst he was very young, he was not beholden to any one else, but obtained of himself everlasting honour, by undertaking that noble and glorious accusation[z]; when at that term of years, wherein others are commended if they begin but to study and exercise the art; (as we have it recorded of the famous Demosthenes;) at that age, I say, did Crassus make it appear, that he could perform, that laudably in the open courts of justice, which he might, without disparagement, have been studying at home.

CHAP. XIV.

Discourse of two sorts. Affability very powerful to obtain men's love, &c. But eloquence much more. Several occasions of shewing a man's eloquence. To defend more laudable than to accuse; but the latter in some cases honourable enough. Several examples of brave accusations. It is lawful in some cases to defend the really guilty; but never to accuse the innocent. The judges' and advocates' duties. Defending the accused, especially honourable, when it is against some powerful oppressor.

BUT of speaking or discourse there are two sorts[a]; the one proper only for common conversation, the

[x] P. Mutius Scævola, a noble Roman, famous for his knowledge of the civil laws, and withal an eloquent speaker; therefore called by our author, *Jurisperitorum disertissimus.* He was consul with Calpurnius Piso, about the year of Rome 620, when Tib. Gracchus raised his sedition: and afterwards made *Pontifex maximus.*

[y] Lucius Crassus, the famous orator, whom he mentioned book i. c. 30.

[z] Of C. Carbo, a very eloquent man, who had been tribune and consul; whom Crassus, at the age of nineteen years, when others begin but to study eloquence, publicly accused and got condemned, so that he poisoned himself.

[a] Having ended the last chapter with Crassus's accusation of Carbo, and the credit he got by it: this easily brings him to

other for pleadings and debates in the public. Of these two the latter, which is what we call eloquence, is apparently more powerful towards the procurement of glory; but yet it is unexpressible of what influence courtesy and affability are, in the business of obtaining men's love and affections[b]. There are extant letters of Philip[c] to Alexander, Antipater[d] to Cassander, and Antigonus[e] to Philip; in which these most wise and prudent princes (for such we are told they really were) advise each his son to speak kindly to the multitude, and try to win the hearts of both them and the soldiers by gentle words and familiar appellations. But that other discourse[f], which is proper for pleadings and harangues in public, does oftentimes move and transport the whole multitude: for when a man speaks to them fluently and plausibly, they are presently rapt into a strange admiration, and cannot but conclude, as soon as ever they hear him, that he is wiser and more knowing than the rest of men are. But if there be modesty joined with the power and weight of his eloquence, there is nothing in the world can more raise their admiration; and especially too, if he be a young man that speaks. Now the subjects and occasions, that stand in need of eloquence are more than one, and several young gentlemen, in our own Republic, have made themselves eminent in several of them:

another thing, that recommends young men, and makes them to be taken notice of, viz. their discourse. This he divides into two sorts, and speaks upon them severally.

[b] Of the first sort of discourse, viz. that of common conversation; and its power.

[c] Son of Amyntas, father of Alexander the Great.

[d] A soldier of Philip's, left governor of Macedonia, by Alexander, when he invaded Persia; at last he poisoned Alexander, by his son Cassander's means. See Quint. Curtius.

[e] A king of Macedonia, not father, but only first guardian and afterwards father-in-law to Philip, who was son of Demetrius, king of Macedonia and Epirus.

[f] The second sort of discourse, viz. eloquence: of which he speaks pretty largely, and gives some rules about accusations, relating to their lawfulness, frequency, &c.

some for example, by speaking in the senate-house, and others, by pleading in the courts of justice. Of these ways the latter is most fruitful of admiration, the duties of which are only two, defending and accusing. It is much more commendable to defend than to accuse; however, this latter has oftentimes brought men to a considerable reputation. We mentioned the example of Crassus but just now, and Marcus Antonius[g], when he was a young man, did the same; and nothing got Sulpitius[h] so much credit for his eloquence, as his brave accusation of Caius Norbanus, a very seditious and troublesome citizen. This nevertheless must be done but seldom, or indeed never, unless it be undertaken on the behalf of the Republic, as it was by those three whom I just now mentioned: or, secondly, upon the account of some injury received, as by the two Luculluses[i]; or else for the sake of those under our protection, as was formerly done by myself[k] for the Sicilians; and by Julius[l] for the Sardinians against Marcus Albutius: in like manner Fusius[m] made his

[g] Grandfather to Mark Anthony the Triumvir; whom he brings in speaking in his *de Oratore:* a very eloquent person, as appears from the great praises he there gives him. He was consul and censor, called by V. Patercul. *Princeps Civitatis et Eloquentiæ.* He was afterwards killed by the command of Marius and Cinna. The person, by whose accusation he gained this credit, was Cn. Papirius Carbo.

[h] One of the interlocutors in his *de Oratore*, and there commended for an excellent speaker. He accused Norbanus, whom Anthony defended. [See *de Orat.* ii. 28.] He was tribune of the people, and joining with Marius against Sylla, was slain by Sylla's order. Vell. Paterc.

[i] Lucius and Marcus, who accused Servilius the augur, because he before had accused their father. See our author's Quest. Academic. I. 4. §. 1.

[k] In his orations against Verres.

[l] I have followed the correction of *Langius, Manut.* &c. who would have it read, *Pro Sardis in* or *Contra Albutium Julius. Vide Ed. Grævii.*

[m] He mentions this accusation in his Brutus, where he says Fusius got a great deal of credit by it. Anthony the famous orator defended Aquilius, and, to move the judges to pity, pulled open his clothes, and shewed them his honourable

industry be taken notice of, by his accusing Aquilius. Once then, or so, it is allowable enough; but by no means often. However, should the commonwealth call a man to it, he might do it often upon her account, it being no disgrace to be often employed in taking vengeance on her enemies. Yet, even in this case, it is still the best way to be moderate and cautious; for he shews himself a man of very unnatural and merciless temper, or rather indeed not a man at all, but a savage monster, who can endure to make it his very business and employment, to bring many people into danger of their lives: beside, that it is dangerous to the person himself too; and not only so, but even scandalous and shameful, to get himself the odious name of an accuser; which of late was the fortune of Marcus Brutus[n], a person that was sprung of a noble family, and son of that Brutus, who was so particularly famed for his skill in the civil laws. It is another rule of duty more especially to be taken notice of, and which cannot be broken without manifest villany, never to bring an innocent person into danger. For since kind nature has given us eloquence, to serve for the good and preservation of all men, what can be more, either wicked or inhuman, than to turn it to the ruin and destruction of the best of them[o]? It is our duty then never to accuse the innocent; but we need not, on the other hand, make any scruple of speaking sometimes in behalf of the guilty, provided he be not wholly villanous and abominable. For this is no more than what the people desire, than what custom authorizes, and the common bowels of humanity incline us to. It is the duty of a judge to endeavour

wounds in his breast. Aquilius was consul with Marius, An. Urb. Cond. 652, and accused of bribery and extortion. *Multis avaritiæ criminibus, testimoniisque convictus.* Cic. Orat. pro Flac.

[n] He mentions both father and son in his *de Oratore*, the one for an excellent lawyer, who wrote several books; and the son for a loose debauchee. And in his Brutus he calls the father an excellent man, and very skilful of the law; but the son a disgrace to his family, &c.

[o] Viz. those that are innocent.

after nothing but the real truth; but an advocate sometimes may speak up for that, which carries no more than an outward appearance of it; which, I think, I should hardly have ventured to say, especially in writing a philosophical discourse, but that I perceive it was the opinion of Panætius, a person of as great and considerable authority, as any among the Stoics. But defending is that which brings the largest returns both of glory and interest; especially if one happen to be assistant to those, who seem injured and oppressed by the power of some great one. This was my fortune, as a great many times, so more especially in my younger days; when I stood in defence of Roscius Amerinus, against all the greatness and authority of Sylla; and you know the oration, which I then spoke, is at this time extant[p].

CHAP. XV.

Two sorts of liberality. Better to help men by our labour and industry, than by our money. Philip's reproof to his son Alexander to this purpose. The inconveniencies of the second sort of liberality. Measures to be observed in it.

HAVING given this account of the particular duties which young men must do for the attainment of glory[q]; we are next to discourse of beneficence or liberality.

[p] It is the second of his Orations as now printed.

[q] Chap. vi. he laid down six things, as reasons or motives of men's being profitable to us; of these he rejected fear, as a very dangerous and inconvenient one. Good will, honour or admiration, and confidence, all which three go to make up true glory, he hath already discoursed of, and shewn by what virtues they are to be obtained. There remain therefore only two more, viz. hope, when princes, &c. promise great donations; and hire, when money is given. Both these he comprehends here under beneficence or liberality, and shews what sort of donations are useful, and in what measure,

Of this there are two sorts; the one of which consists in obliging those who need it, by our labour and industry; the other by our money. The latter of these two is much the more easy, especially for those who have plentiful fortunes; but the former, on the other hand, more glorious and magnificent, and more suitable to the character of a brave and exalted soul. For though there is a good-will and generous readiness to oblige, shewn in either; yet in the one case we are indebted to the chest, in the other to the virtues and abilities of the person. Besides, those sort of kindnesses, which are done by the assistance of money, or the like, within a short space of time draw their own fountain dry; so that this liberality doth, as it were, eat out its own bowels, and the more you have formerly obliged in this kind, the fewer you will be able to oblige for the future. But now, on the other hand, he whose generosity shews itself in labour, that is, in virtue, and being active for another's good, the more men he hath formerly shewn himself kind to, the more he will have ready to assist him ever after; beside, that by the custom of doing good offices, he gets a kind of habit, and grows much more expert in the art of obliging. Philip, the father of Alexander the Great, reproves his son sharply in one of his Epistles, for endeavouring to purchase the good will of the Macedonians, by giving them donations. In the name of wonder, says he, what method of reasoning could lead you into such a thought, as to imagine that those men would ever be faithful to you, whom yourself had corrupted with money? "What! do you design to be "thought, not the king, but only the steward and "purse-bearer of the Macedonians?" That steward and purse-bearer is admirably well said, because it is so scandalous a business for a prince; and that calling donations a corrupting the people, is better yet; for

and in what particular cases, &c. And first he divides beneficence into two sorts, of which he prefers the former for several reasons.

those who receive them are perpetually the worse for it, and only made readier to expect the same again. Philip wrote this to his son alone, but it may serve for a direction to all men in general. I think we may take it for granted therefore, that that sort of bounty, which consists in doing kindnesses by our labour and industry, is more virtuous and creditable, can oblige more people, and has more ways of doing it than that other has. Not but that sometimes a man should give, nor is this sort of bounty to be wholly rejected; nay, one ought oftentimes to distribute some part of one's money to those, who are well-deserving persons, and stand in need of such assistance; but still it must be done with great prudence and moderation[r]. For some men have squandered away whole estates by inconsiderately giving; which is certainly the foolishest thing in the world; for so a man disables himself ever after from doing that which he takes most delight in[s]. But the worst thing is this, that profuseness in giving is usually accompanied by unjust ways of getting. For when by this means men have parted with what is their own, they are forced to lay hands upon that which is another's: and by this means they miss what is their principal design, viz. the obtaining men's love by their bounty and generosity; for they get more hatred from those whom they injure, than good-will from those whom they hoped to oblige by it. We ought therefore neither so to lock up our riches, as that even liberality itself cannot open them; nor so to keep them open, as if they were common to all men in general; the best way is, always to observe a due medium, and give more or less in proportion to our estates. In fine, we should do well to remember a saying, which is now grown so common as to be a proverb amongst us, *Bounty has got no bottom:* for how indeed is it possible, there should ever be any end of it, when those who are used

[r] The word *diligentia* in this place properly signifies, the making a choice and distinction between persons.

[s] Viz. Shewing his bounty and generosity in giving; because he has given away already.

to it, look to receive again; and others, from seeing them, are taught to expect the same?

CHAP. XVI.

Two sorts of givers. How liberality and prodigality differ. What the chief advantage of riches. Public shows to the people very foolish. Several examples of magnificent Ædiles among the Romans.

OF those who give largely, there are two sorts; the one of which are prodigal, and the other liberal[t]. The prodigal are those, who consume vast sums in making public feasts, and distributing portions of meat to the people: or in providing gladiators to fight with one another, or with wild beasts in the theatres; or in making preparation for other such sports, and recreations of the multitude: things that are forgotten in a very short time, if ever at all thought on, after once they are over. But the liberal are those who dispose of their money in redeeming poor prisoners; in helping their friends and acquaintance out of debt; in assisting them toward the marrying their daughters; or putting them into some method of making or increasing their fortunes. I admire therefore, what should come into Theophrastus's[u] head, who in a book of his, which he wrote concerning riches, amongst several noble and excellent things, has been guilty of

[t] Having given his reasons, why the first sort of beneficence, which consists in obliging men by our labour and industry, is preferable to the second which does it by money; he begins in this chapter to discourse of the latter, and divides those that use it (the *Largi*, as he speaks) into two sorts, the one prodigal, and the other liberal, in the proper and strict sense of that word. He begins with the first, and discourses of it to c. xviii. where he comes to the second, the liberal.

[u] The same that he mentioned book i. c. i. His book here mentioned is now quite lost, but it is quoted by Diogenes Laertius.

one very grievous absurdity; for he runs out mightily in commendation of magnificence, and giving public shows or donations to the people; and thinks the supplying of such expences as these, the very principal fruit and advantage of riches: but in my opinion, it is both a much greater, and more durable advantage, to be furnished with money for those acts of bounty, of which I have just now been giving some instances. But Aristotle, with much more reason and judgment, reproves us for not being amazed at those sums, which are daily thrown away to caress the people: "Should "any one (says he) when a city is besieged, and reduced to great straits, give a large sum of money "for a little cup of water, people would wonder and "admire at it strangely, and hardly be persuaded to "believe it at first; but afterwards possibly, upon "farther consideration, would be ready to pardon it, "because it was a case of mere exigence and necessity[x]: but yet we can see, without any thing of admiration, those vast charges and infinite expences, "which men put themselves to for no reason in the "world, neither for the relief of any want or necessity, nor yet for the increase of their glory and dignity: and that pleasure of the multitude which is "principally aimed at, is of the shortest continuance; "and only tickles and soothes up the meanest of the "people, who themselves will forget the satisfaction "they received, as soon as ever the show and recreation is at an end." He adds, moreover, with a great deal of reason, "That children indeed, and some trifling women, together with slaves, and the more "servile part of those who are free, might perhaps "take a pleasure in such foolish kind of pastimes; but "that men of true prudence, and those who judge of

[x] Nothing of this here quoted is to be found in any of the works of Aristotle now extant; which makes the learned Muretus think, that it ought to be read Aristo, who was a Stoic philosopher, mentioned by Seneca in his 29th Epist. and who, as we learn from Plutarch, wrote a book upon the subject of riches.

"things by the rules of reason, can by no means "either commend or approve of them." I know it is a custom in our Republic, and has been from the time of our good forefathers, to expect and demand, even from the soberest citizens, something that is splendid and magnificent in their Ædileships[y]. Hence Publius Crassus[z], who was surnamed the Wealthy, and really was such, in his office of Ædile was very magnificent and noble in his entertainments; and Lucius Crassus[a], a little while after, was fully as generous, though colleague of Mucius[b], the most moderate man living. Next after these came Caius Claudius[c], the son of Appius; and a great many others, viz. the Luculli[d], Hortensius[e], and Silanus[f]. But Publius Lentulus[g], when I was consul, exceeded all others that ever went

[y] An office in Rome, which required their taking care of the public buildings, temples, &c. as also the public games on any solemn occasion, plays, and the like. It was usually counted the first step toward other offices; into which the people chose men, according to their good or ill behaviour in this. Hence they usually spared no pains, charges, &c. so as they could but please the multitude.

[z] A noble Roman, surnamed Mucianus, because adopted into the family of the Crassi, from that of the Mucii. He was the first that gave the people a fight of elephants in his Ædileship. He was afterwards consul and *pontifex maximus*.

[a] The famous orator, mentioned before.

[b] The Augur, who married the daughter of the wise Lælius: mentioned by our author in the beginning of his *De Amicitia*.

[c] Surnamed Pulcher; he first had their scenes in the theatre painted, whereas before they were bare boards.

[d] The two brothers Luc. and Marc. who were both Ædiles together, and made the scenes to turn round, and so often, whereas before they were fixed and unalterable.

[e] The most celebrated Roman orator next to Cicero, and often his opponent; consul six years before him. See his death excellently lamented at the beginning of our author's Brutus.

[f] D. Junius Silanus, who was consul next after Cicero, with L. Lucinius Muræna.

[g] Surnamed Spinther, consul six years after Cicero, whom he recalled from his banishment. To him is written the first book of his familiar Epistles. He was the first that wore a purple gown double-dyed, and made the vela or curtains in the theatre of fine Cyprus linen.

before him; who was afterwards followed and copied by Scaurus[h]. But of all these shows, that have been given to please and entertain the people, those of my friend Pompey were the greatest and most magnificent, exhibited when he was the second time consul[i]. In all which cases it is easy to see what is my opinion[k].

CHAP. XVII.

Expences to please the people allowable in some cases, and what they are. Some examples of laudable ones. Upon what one may best lay out his money in this kind.

NO man however should be so far moderate, as to draw upon himself the suspicion of avarice. Mamercus[l], a person of very great riches, was put by the consulship, for no other reason, but because he refused to be Ædile first. If such things therefore are demanded by the people[m], and allowed of, though perhaps not desired by good men, they must even be performed; but so as to keep within the compass of your estate, as I myself did. Nay, though they should not be demanded by the people, yet they might wisely enough be presented them, upon a prospect of gaining some more considerable advantage by it. Thus Orestes[n] of

[h] He built a noble theatre, with vast pillars of fine marble, and was so profuse in his Ædileship, that Pliny says, he utterly ruined the Roman moderation, and that Sylla did more harm in encouraging his prodigalities, than he did by all his murders and cruelties.

[i] He brought lions, panthers, and elephants in vast numbers to fight before the people. See a full and excellent description of these diversions given by our author, *Epist.* i. *lib.* 7. *ad Famil.*

[k] See the latter end of the next chapter, and our Author's *Epist. Fam. lib.* ii. *ep.* 3.

[l] A name of the Emilian family. Mamercus Æmilius Lepidus was consul with D. Brutus, An. U. C. 676. It is uncertain whether he be meant here or not.

[m] When, and how far such sorts of giving are allowable.

[n] A surname of the Aurelian family. This is Cn. Aufidius Orestes, so called because he was adopted by Cn. Aufidius,

late got a great deal of credit, by giving the people a dinner in the streets, under the notion of paying his tenths to Hercules[o]. Nor did any one ever find fault with M. Seius, for selling out corn at an easy rate, in the time of a very great dearth and scarcity; for he got himself free from a great and inveterate hatred of the people, by a cost, which, considering he was at that time Ædile, was neither dishonest, nor yet extraordinary great; but of all, my friend Milo got the greatest honour, by purchasing gladiators for the defence of the public, which was wholly included in my single safety, and thereby defeating the mad and pernicious attempts of Clodius[p]. Such charges therefore are not to be shunned, when either they are necessary or very advantageous; but even when they are so, we must still not exceed the due limits of mediocrity.—Luc. Philippus, the son of Quintus, an extraordinary ingenious and eminent man, was wont, I confess, to be making his brags, that he got all the honours the Republic could give him, without ever spending one farthing that way: Caius Curio[q] used to say the same;

[Cic. pro domo, c. xviii.] He was afterwards consul with Corn. Lentulus Sura, An. U. C. 682.

[o] It was a custom among the Romans, upon any great undertaking, to vow the tenth of their income to some god, to make him prosper them in their undertakings. Orestes, under pretence of paying this to Hercules, gave a great deal of victuals to all the people in public, that so he might gain their favour.

[p] Clodius was a vile and profligate fellow, a great enemy to Cicero, whom in his tribuneship he got banished, (see Cicero's Life in Plut.) but Milo being tribune the year following, endeavoured to bring back Cicero again. Clodius violently opposed it, and getting together some of his own gang, and a parcel of gladiators, fell upon the people as they assembled about it, and slew several. Milo, on the other side, brought gladiators to defend Cicero, and in him, as he says, the Republic itself.—This is that Milo, who afterwards killed this Clodius; for which being accused, he was defended by our author in that incomparable oration, which is still extant.

[q] An excellent Roman, consul with Cn. Octavius, in the year of Rome 677; a good man, and a lover of virtue, as well as learning. He was also a very good orator, and is often mentioned by our author. His son was that Curio, who was tribune

and even I myself have some reason to boast upon this account; for considering the greatness of the honours I got, and that too by every one of the votes, and the very first years I was capable of them, (which is more than can be said by either of those two, whom I just now mentioned,) the charge of my Ædileship was very inconsiderable. But the best way of laying out money in this kind, is to repair the city walls, make docks, havens, aqueducts, and the like; things that may serve to the general use and advantage of the public. For though things which are present, and given down upon the nail, are more acceptable for a time; yet the memory of these will be more lasting, and continued even down to posterity. I forbear to speak much against theatres, porticos, new temples, and the like, out of respect to my old friend Pompey; but I find them not approved of by the most famous men; particularly not by Panætius himself, whom I have very much followed, though not quite translated in this work. Neither are they liked by Demetrius Phalereus, who blames Pericles, one of the greatest men amongst all the Grecians, for squandering away such a vast sum of money[r] upon that noble structure at the entrance of the Acropolis. But I have spoken sufficiently upon all this subject, in those books which I have written concerning the Republic[s]. To conclude therefore, all such profusions are, generally speaking, I think, to be blamed; but yet, at some times, and upon certain occasions, may be rendered necessary: however, even then they must be proportioned to one's estate, and kept within the limits of reason and moderation.

of the people, and the grand incendiary in the civil war between Cæsar and Pompey.

[r] Above two thousand talents: this is that entrance to their ancient tower called Acropolis, and (because under the protection of Pallas) Glaucopia, so often mentioned by ancient writers. It had five noble doors, was covered with curious white stone, and was five years in building. See Meurs. Cecropia.

[s] This work was in six books; but it is now all lost except some few fragments, of which Scipio's Dream is much the largest, as making a good part of the sixth book.

CHAP. XVIII.

Liberality to be varied according to the variety of circumstances. The merits of the receiver especially to be considered. What acts of bounty we should more particularly exercise. Measures to be observed in receiving money. It is profitable sometimes to part with one's right. When a man uses an estate as he ought. Hospitality deservedly commended.

IN that other sort of giving[t], which proceeds from liberality, we should not keep constantly to one certain measure; but vary according to the variety of circumstances in the persons that receive. His case (for instance) who struggles at present under some pressing necessity, is different from his, who is well enough to pass, and only desires to improve his fortune. We should lend our assistance in the first place to those, who are under the burden and weight of some misfortune; unless they are such as deserve to be miserable: we should be ready however to forward those likewise, who desire only of us our helping-hand, not so much to save them from being unfortunate, as to raise them to some higher degree of fortune. But here we must be careful to acquaint ourselves thoroughly with the fitness of the persons[u]; for that of Ennius is admirably well said: "I take good actions, when ill applied, to become ill ones."

[t] He has done with the first sort of giving largely, viz. prodigality; which he thinks generally blameable, but in some cases excusable. He comes now to the second, liberality, which is seen not only in giving, but in receiving too. He begins with giving; concerning which his first rule is, that we should consider the circumstances of the person we give to.

[u] Secondly, In giving we should consider the person's deserts: for kindnesses bestowed upon those, who do not deserve, but will make ill use of them, are indeed no kindnesses. We should make honest men the objects of our bounty in this kind.

Now that which is given to a truly honest and grateful person, is paid us in the acknowledgment he himself makes, and in the good-will that is got by it from the rest of the world. For nothing is more pleasing to all mankind, than bounty bestowed without rashness and precipitancy; and the generality of men praise it so much the more, because the liberality of every great man is a common kind of sanctuary for all that are needy. We should endeavour therefore, as far as we are able, to oblige many men by such acts of generosity, as may not be forgotten as soon as ever they are over; but be remembered by the children and posterity of the receivers, in such manner as to lay a necessity upon them of shewing their gratitude; I say necessity, for all people hate one that takes no care of being grateful to his benefactors, and count him that is such injurious to themselves, because he discourages bounty and liberality, and so is a common enemy to all the poorer sort. Besides, this way of giving whereby captives are ransomed, and the meaner folk enriched, is useful and advantageous to the public itself; and has frequently been practised by those of our order, as appears very fully from the oration of Crassus. That other way therefore of expending money, which consists in making shows for the entertainment of the vulgar, ought, I think, by no means to be compared with this; the one comports well with the character of a great and a prudent person: the other of such as cajole the people, and look out for pleasures to tickle the fancies of the unstable multitude. And as it is a duty to be generous in giving, so is it not to be too rigorous in demanding[x]; but in every transaction of buying, selling, letting, and hiring, to behave ourselves towards our neighbours and chapmen, with all the fairness and courtesy imaginable; to let go something of our strict and just rights, upon certain occasions; to avoid all

[x] Having given some rules for the liberal man's direction in giving or spending; he proceeds in this place to do the same about receiving; in which he would have him not be too rigorous, but courteous, complying, &c.

suits and contentions at law, as far as can reasonably and fairly be expected; perhaps I might add, and even something farther; for in several cases to deliver up one's right, is not only generous but advantageous too[y]. However, a man should have a decent regard to his estate and fortune; for it is not over reputable to let that be ruined by his easiness and neglect; and yet on the other hand he should carry himself so, as to avoid all suspicion of a sordid, mean, or avaricious temper. For it is then a man uses his money as he ought to do; when he shews himself liberal, without ruining his fortune. Theophrastus[z] commends, and with very good reason, another sort of bounty which we call hospitality: for there is nothing, in my mind, more handsome and becoming, than constantly to have the houses of noblemen open, and ready to entertain all strangers of fashion; and it is no small credit and reputation to the public, that strangers never fail to meet with that sort of bounty and liberality in our city; beside that there is nothing can be more useful for those who design by honest means to get an interest in the world, than to recommend themselves to the esteem and good-liking of foreign nations, by the help of those people whom they thus entertain. Theophrastus tells us of Cimon[a] the Athenian, that he shewed his hospitality even to all his brethren of the Lacian tribe[b]; and not only made it his own constant

[y] It is no small part of prudence, to know when to lose; it happening sometimes, and upon some occasions, that it is the best way to act against one's present interest, and by omitting a less advantage, to gain a greater afterwards. *Pecuniam in loco negligere*, says Terence, *maximum interdum est lucrum*.

[z] One particular sort of bounty, which he thinks fit just to bring in here, is hospitality. This he recommends as a thing handsome and becoming in any city, and advantageous to get a man interest, and make him known among strangers.

[a] The son of Miltiades, a famous Athenian general, who beat their enemies both at sea and land the same day; he was particularly famed for his bounty and hospitality. See his life in Plut. and Corn. Nep.

[b] There were one hundred and seventy-four distinct tribes or peoples in Attica, one of which was called the Lacian, and

custom, but also commanded his bailiffs the same, to keep open house for any one of the Laciadæ that should pass that way.

CHAP. XIX.

The liberality which consists in doing good offices for others: two sorts of it. What sorts of study afford most opportunities of it. The ruin of civil law and eloquence. All men may do kindnesses of this nature if they please. We should be careful of not offending some, by obliging others.

I COME now to speak of that sort of bounty, which consists not in giving, but in labouring for another's good[c]; and extends itself as to the Republic in general, so to each member of the city in particular. The civil law[d] principally gives us opportunities of exercising this; for there is nothing more proper to get a man interest and credit in the world, than the managing the law-suits of a great many persons, the assisting them with his advice, and doing for them all that he can by his knowledge, and skill in that learning. And therefore I admire the wisdom of our ancestors, as for several reasons, so particularly for this, that the knowledge and interpretation of their excellent civil law, was counted a matter of the highest credit and reputation among them. This the greatest men have kept constantly among themselves, till this late sad

the men who were of it, Laciadæ. Cimon was one of these, and kept constantly open house for all those of his tribe. See *Meursius de Pop. Attic.*

[c] He begins here with the second, and, as he thinks, (see c. xv.) much better sort of beneficence, which consists in doing kindnesses for others by our labour and industry. These kindnesses may be either done to particular persons, or to the Republic in general; and first of the former.

[d] The first thing that puts a man in a capacity of serving a great many people is the civil law; the knowledge of which he highly commends.

disorder and confusion of every thing: but now the glory of this sort of learning, together with all honours and degrees of dignity, is utterly ruined and fallen to just nothing. And to make the matter still so much the worse; all this has happened in the days of one[e], who, as he equalled in dignity all that have gone before him, so he was far above them in the knowledge of the laws. This study then is approved of by most people, and puts it in one's power to assist a great many, and oblige them by kindnesses. There is another sort of knowledge[f] nearly related to this, the art, I mean, of persuasive speaking, which carries more majesty and ornament along with it, and is more pleasing and liked of, by the generality of men. For what is there in the world more extraordinary than eloquence, whether we consider the admiration of its hearers, the reliance of those who stand in need of its assistance, or the good-will procured by it from those whom it defends? Our ancestors therefore held this among the chief of their civil professions. Any one then must oblige a great many, and have a large number of clients and dependents, who is able to speak well, and willing to take pains, and (as it was the custom among our good forefathers[g]) is ready to undertake many people's causes, without ever expecting to be rewarded for his trouble. And here I have a fair opportunity offered me, to bemoan the great downfall, that I may not say the utter extinction, of eloquence; but that I am afraid I shall seem to complain for my own sake only. However I cannot but with some concern take notice, what a great many excellent orators we have lost; how few there are rising, whom we can expect any thing from; and how much fewer who are able to perform and do

[e] He means Ser. Sulpitius, one of the most eminent among the Romans, for his skill in the civil law.

[f] A second thing which enables men to assist others this way is eloquence.

[g] There was even a law among the Romans, entitled, *Cincia de donis et muneribus*, forbidding to take money, &c. for defending another's cause.

any thing; and for all that, how many full of impudence and presumption. Now it is not for all, nor indeed for very many, to be either skilful lawyers[h], or eloquent pleaders: however, there is no one, if he would make it his business, but may do friendly offices to several people; either by begging some kindnesses for them, or by recommending their cases to the judges and officers; or by being industrious in promoting their interests; or lastly, by using his endeavours with those, who either are able lawyers, or eloquent orators; which whoever shall do, will make a great many be beholden to him, and get himself a general interest in the world. There is one thing however I would advertise of[i], though I think it is so obvious, that I hardly need to do it, which is, to have a care of offending some, whilst he is endeavouring to be serviceable to others. For it often comes to pass, that such do an unkindness, either to those whom they ought to have obliged, or to those who are able to make them suffer for it afterwards; which shews carelessness and negligence, if done undesignedly; but if designedly, rashness and imprudence. And if it should happen that we are forced, though unwillingly, to disoblige any person, we must endeavour to excuse it as well as we are able; by shewing the necessity we lay under of doing so, and how it was utterly impossible for us to avoid it; and must be careful and industrious to repair the injury, by making some reasonable amends for it afterwards.

[h] A third way of doing people kindnesses is, if we are not ourselves able to manage their causes, by recommending them to the judges, to those that are skilled in law, &c.

[i] He puts in a caution or two about these rules, viz. That whilst we oblige one, we take care not to disoblige others, &c.

CHAP. XX.

Men are readier to assist one that is wealthy and great, than one that is poor and honest. Reasons why they ought to do the contrary. The evil effects of men's love of riches.—Never to do an injury to one, for the sake of obliging another.

NOW whenever we do a kindness or friendly office to another[k], we usually regard one of these two things, viz. either the honesty or the greatness of the person. It is easily said, and every one is ready enough to profess, that in placing their favours, they have much more respect to the merits of the person, than to his fortune in the world. This is very fairly and honestly spoken; but yet I would be glad to be shewn that man who is more willing to help one that is honest and poor, than to get the favour of one that is wealthy and powerful.—For who is not readiest to be serviceable to those, from whom he expects the most speedy requital? But people would do well to consider more thoroughly the natures of things; for though a poor man, it is true, cannot make a requital, yet if he is honest, he will acknowledge the obligation: and it was no unhandsome saying, whoever was the author of it, "That in case "of a debt, the man who acknowledges it, doth not "thereby pay it; and the man who pays it, does no "longer acknowledge it: but in case of an obligation, "both he who returns it still continues to acknowledge "it, and he who acknowledges it, thereby sufficiently "returns it." But now those, on the contrary, who value themselves upon their riches, honours, and

[k] Having shewn what those things are, which put us into a capacity of helping others, viz. eloquence, civil law, &c. and laid down a rule or two for our direction in doing it; he proceeds to enquire, on whom we ought especially to bestow our kindnesses; where he puts the question, *Whether it is better to assist a rich and a great, or a poor and honest man?* And argues for the latter; because a poor man will be more grateful, &c.

flourishing condition, will scorn to acknowledge they are obliged for any kindness; nay, will think they vouchsafe you a signal favour, even whilst you are doing them some considerable service; and will always be jealous and suspicious over you, as though you demanded and expected something from them: but to have it ever said they were defended by you, or to be numbered among your dependents or clients, is as insupportable to them as even death itself. Whereas your mean person, when any one does him a friendly office, considers it was done out of respect to himself, and not out of regard to his fortune or condition; and endeavours to shew himself sensible of the obligation, not to him only who has done him the kindness, but, as standing in need of some other men's assistance, to those others also, from whom he hopes for the like. And if he should chance to do another any service, he does not endeavour to cry up and magnify it, but rather to lessen it as much as he is able. Another thing worth the considering is this, that if you defend one that is wealthy and powerful, the obligation reaches only to the person himself, or perhaps just his children; but if you protect one that is needy and forsaken, provided withal he be virtuous and modest, all the lower sort of people immediately, that are not wicked, which is no inconsiderable part of the multitude, will look upon you as their safeguard and protection. Upon all which accounts I am wholly of opinion, that a kindness is better bestowed upon an honest, than it is upon a wealthy and fortunate person. We should endeavour, it is true, to the utmost of our power, to be serviceable to all men of whatsoever condition: but if there should happen a competition between them, I am clearly for following Themistocles's advice, who being once asked, *how he would marry his daughter, whether to one that was poor, but honest; or to one that was rich, but of an ill reputation?* Made answer, *I had rather have a man without an estate, than have an estate without a man.* But the mighty respect which is paid to riches, has wholly depraved and corrupted our

manners. And yet what does it signify to any one of us, that such or such a person has got a plentiful fortune? Perhaps it may be useful to him that has it, though not so neither always; but allowing it to be so; suppose he has got the world more at his command; yet how, I would fain know, is he ever the honester for it? But if a man be honest[l], as well as wealthy, though I would not have him helped for the sake of his riches, yet I would not have him hindered upon their account neither; but in every case have it fairly considered, not how wealthy and great, but how good and deserving a person he is. I shall conclude this head with only one rule more[m], which is, Never for the sake of doing any one a kindness, to venture upon that which is unjust in itself, or injurious to a third person. For no credit can be solid and durable, unless built upon the foundations of justice and honesty; without which nothing can be virtuous or commendable.

CHAP. XXI.

Two sorts of that bounty which relates to the public. Nothing to be done for the sake of the members in particular, which may any ways damage the public in general. The first duty of the governors of a state, to secure each particular in the possession of his own. Levelling all estates very destructive. Why men first built cities. Not to burden the people with taxes, a second duty. A third, to furnish the people with necessaries. Covetousness in a governor pernicious to any state. The unhappy effects of it in the Roman empire.

HAVING thus discoursed of the one sort of kind-

[l] He gives this by way of caution; though he would not have a man assisted for being rich, he would not have his riches be an hindrance to him neither, provided he be otherwise an honest and good man.

[m] The last rule to be observed in this sort of liberality.

nesses, which are done to particular members of the city: we are now in the next place to speak of those others[n], which are done to them all, and to the commonwealth in general. Now these again are of two sorts, the one more immediately relating to the community; the other reaching down to each member in particular; which latter of the two is more grateful and acceptable. We should shew our beneficence, as far as we are able, in both these ways; but especially in this latter, which relates to each one of the particular members: in which however one caution must be observed, that nothing be done in behalf of particulars, but that which is useful, or at least not prejudicial to the commonwealth in general. C. Gracchus[o], for instance, made a large distribution of corn to the people; and the effect of it was, that the treasury was exhausted by it. Marcus Octavius[p] was one that was moderate, which was a kindness to the multitude, and no ways a burden or grievance to the state; and accordingly both the public and all the members of the city, received benefit from it. But the principal thing for a governor to take care of is, that each individual be secured in the quiet enjoyment of his own[q], and that

[n] In c. xix. he divided that beneficence, which consists in doing kindnesses by our labour, &c. into two parts: he has done with the former, which respects particulars, and comes now to the latter, which respects the state in general. This he again divides into two sorts, some terminating in the state considered abstractedly by itself; others in all the particular members of it. About the latter he immediately gives us one direction, never to do any thing for the sake of particulars, which may any ways be prejudicial to the whole in general.—Under the former he comprehends the duties of those that are governors, and principal magistrates in the Republic; concerning which he discourses very largely.

[o] See c. xii. of this book.

[p] He was tribune of the people, together with Tib. Gracchus, and resisted him very much, in his pernicious attempts, and was therefore by him deprived of his office. What action of his our author here means is uncertain.

[q] The first duty of those, who are governors of a state, to keep every man in the peaceful possession of what is his own.

private men be not dispossessed of what they have[r], under a pretence of serving and taking care of the public. For nothing is more destructive to the peace of any nation, than to bring in a new distribution of estates, which was attempted by Philip[s], in the time of his tribuneship: however he quickly gave over his design, and did not persist stubbornly in defence of it, as soon as he found it was so vigorously opposed: but in his public speeches and harangues to the people, among a great many things to obtain their favour, he was heard to say one of very dangerous consequence, That the whole city had not two thousand men in it, that were masters of estates: a very pernicious and desperate saying, directly tending to bring all things to a level; which is the greatest misfortune that can befal any people. For to what end were cities and commonwealths established, but only that every one might be safer and securer, in the enjoyment of his own? For though men are by nature sociable creatures, yet it was the design of preserving what they had, that first put them upon building of cities for a refuge. It is a second duty[t] of the governors of a state, to see that the people be not forced to pay taxes, as they often were in our forefathers' time, partly because they were always in war, and partly by reason of the lowness of the treasury. This is an inconvenience, which ought, as far as possible, to be provided against beforehand: but if any state should be under such circumstances, as that it must be forced to make use of this expedient; I say any state, because I am unwilling to suppose so unhappy a thing of our own; beside that I speak here of all of them in general; but if, I say, any state should be brought to such a pitch, due care must be taken to let the people know, that it is absolutely necessary, as affairs now stand, and that otherwise they must needs be inevitably

[r] Which would have been done by the two Gracchi by their equal distribution of lands.

[s] Luc. Marcius Philippus. See c. xxx. book i.

[t] A second duty of a good governor, not to burthen, &c.

ruined. Again, it is yet further required of those men, who govern and preside in a commonwealth[u], to see that it be furnished with all the conveniences and necessaries of life. To tell what these are, and how to be provided, would be altogether needless in this place, since it is sufficiently known already; I only thought fit just to touch upon it by the bye. But in all kinds of business, and managing affairs of a public nature, there is nothing more necessary, than always to keep one's self clear and untainted, so as not to lie under the least suspicion of avarice[x]. I could heartily wish, said Caius Pontius[y] the Samnite, that fortune had reserved me to those times, and that it had been my fate to be then born, whenever the Romans shall begin to take bribes; I should quickly have put an end to their flourishing empire. Truly he must have waited a pretty many ages; for that is a kind of evil, which but lately has begun to infest this Republic. If Pontius therefore were so great a man as he pretended to be, I am very well satisfied with his being born when he was; and not in those times which have lately happened. It is not yet an hundred and ten years ago, since Lucius Piso[z] got a law to be enacted against the corruption of magistrates, whereas there had never been any one before. But since that time there have been so many laws[a], and still every new one more severe than the former; so many persons accused and condemned; such a war[b] stirred up in the bowels of Italy,

[u] To provide necessaries for the support of the people, a third duty of a governor.

[x] A fourth duty is, to be free from even any suspicion of avarice.

[y] He was the Samnite general when the peace was made with them at the passage of Caudium, to the great disgrace and shame of the Romans. See Livy, book ix. c. 1.

[z] L. Calpurnius Piso, the first of those who were surnamed Frugi, tribune of the people when Censorinus and Manilius were consuls, about An. U. C. 603. Author of the *Lex Calpurnia de pecuniis repetundis.*

[a] Junia, Servilia, Acilia, &c. Vide *Calv. de Leg.*

[b] He means that which was called the Social war, of which he only brings one, and that a very remote cause. Livius

by those who were afraid of being brought to punishment; such shameful extortion, and pillaging our allies, by those who have defied all laws and courts of justice; that we were rather beholden to the weakness of others, than our own strength or virtues, that we are not utterly ruined.

CHAP. XXII.

Examples of contempt of money among the ancient Romans. The danger, &c. of the opposite vice. The honour gotten by this virtue. The danger, folly, &c. of the project of levelling estates.

PANÆTIUS highly commends Africanus[c], for his being uncorrupt as to the matter of money. It is a virtue that well deserved his commendation: but I think there were others in that great person, which deserved it much more; to be untainted with money being not properly a virtue of that man, as of those times in general. Paulus Æmilius[d] had all the wealth of Macedonia in his power, which amounted to almost an infinite value; so that he brought such a sum into the treasury, as that the single booty of that one general superseded the necessity of all taxes for the

Drusus, tribune of the people, amongst several laws about the freedom of all Italy, proposed that all those who were suspected of bribery, should be made to answer for it. Hereupon the senators, who were pretty guilty, disliking this one, opposed and hindered all his other laws. This made the Italian nations, who thought to have been made free of Rome, but by this means were frustrated, rise up in arms against the Romans, upon which ensued the Social or Italian war; of which see the historians.

[c] The second Scipio of that name, who rased Carthage and Numantia; and was scholar to Panætius.

[d] He conquered Perseus, king of Macedonia, and led him in triumph; thereby putting an end to the second Macedonian war, and that empire together. See his life in Plut.

future; and yet he brought nothing to his own house, but the eternal memory of his name and achievements. Africanus followed[e] the example of his father, and returned nothing richer from the overthrow of Carthage. So Mummius, who was afterwards his partner in the censorship; did he make himself ever a farthing the wealthier, by rasing one of the wealthiest cities in the world[f]? No, he rather chose to make Italy fine with the spoils of his enemies, than his own house; though in my opinion the fineness of Italy reflects a bright lustre upon his own house too. There is no vice then, that I may return to the subject from which I have digressed, more detestable than avarice; more especially in great men, and such as bear sway in the government of a state; for it is not only mean for a man to make a prey and advantage of the commonwealth, but even impious and abominable. That oracle therefore of the Pythian Apollo's, that nothing but avarice should be the ruin of Sparta, doth not seem designed for the Lacedæmonians only, but for every wealthy and flourishing nation. And as avarice[g] is thus very destructive to a state, so to appear upright and regardless of money, is the certainest method those in power can make use of, for procuring the love and good-liking of the people. But those, who designing to curry their favour, attempt new laws about the levelling estates, so

[e] The same that was just now mentioned. He was son of Paulus, but adopted by Scipio.

[f] Corinth, which was rased by Mummius, the same year that Carthage was by Scipio. See Paterc. book i. c. 12. where the two generals are very handsomely compared together.

[g] He has told us by precept, and from the examples of the greatest men, that governors of a state should be free from covetousness and regardless of money. Here he adds, that nothing so much recommends them to the good liking of the people as that virtue; which brings him to discourse of a foolish method, that some men have taken to this purpose; viz. a design of bringing all estates to an equality, and making all creditors remit their debts; which he shews to be unsafe, unreasonable, &c.

as to force the right owners from their lawful possessions; or propose to make creditors remit all the debts, which in justice are due to them; plainly undermine the two principal pillars and supporters of the government[h]: in the first place, concord and unity amongst the citizens, which can never be kept up, whilst some are deprived of what is justly their due, and others discharged from the necessity of payment: secondly, justice, which immediately must sink into ruins and nothing, if men cannot be secured in the possession of what is their own: for that (as we before remarked) is the chief end and aim of men's gathering into societies, and building of cities, that each one might freely enjoy what is his right, without any danger or fear of being deprived of it. Besides this, the authors of these pernicious designs never get that good will, which they propose, from their citizens[i]; for, as for those men, who are losers by such a method, it is certain that they will be their enemies for it; and those who are gainers, will be sure to pretend that they never desired it; especially in the business of having debts forgiven; there every one dissembles how glad he is of it, for fear it should be thought he was not able to pay them. But those men, to whom such designs are prejudicial, will hardly forget them, but shew a perpetual grudge and resentment. And though the number of these, who are thus wickedly befriended, be greater than of those who are injuriously robbed; yet it doth not follow, that therefore they are more powerful; for it is not the number, but the quality of the persons that must carry it in this case. Besides, what reason or equity is there, when estates have been held for a great many years, or perhaps ages, that the rightful owners should be thrust out from them, and others, that never had any, should come and possess them[k]?

[h] First, he shews it is destructive to a state, by ruining concord and justice, which are the supports of it.

[i] Secondly, It is foolish; for it does not procure them that good-liking of the people which they thought to get by it.

[k] Thirdly, It is very unjust and unreasonable.

CHAP. XXIII.

Several examples of the unhappy effects of taking away men's estates, in order to bring things to a level. The wise conduct of Aratus the Sicyonian, in doing the contrary.—What a magistrate's duty in such cases is.

FOR such kind of partial, injurious proceedings[l], the Spartans once banished Lysander[m], one of their Ephori[n]; and put to death Agis[o] their king, for the same reason; an action unheard of before in that city. This was succeeded by such grievous contentions and discords in the state, as that tyranny and oppression got the upper hand amongst them; the nobles were banished from their native country, and the best constituted Republic upon the face of the earth was utterly dissolved and brought into confusion. Nor did this mischief end with the Spartans only, but, like a contagion, spreading itself further, involved all Greece in the same miseries and calamities. Pray what is it that ruined our own two Gracchi, sons of the famous Tiberius Gracchus, and grandsons of Africanus[p], but only these controversies about levelling estates? Aratus[q]

[l] Having shewn how pernicious, foolish, &c. these designs are; he gives here some examples of their unhappy effects; and of the good ones of their contrary practice.

[m] Not their famous general Lysander, son of Aristarchytus, who beat the Athenians, &c. but another, son of one Olbis, made Ephori by king Agis, and his assistant in his designs.

[n] The word signifies inspectors or overseers; they were officers among the Spartans, usually five in number, much like the tribunes in Rome, who restrained the power and greatness of their kings; so that appeals were allowed from the kings to them, as in Rome from the consuls to the tribunes.

[o] The third king of Sparta of that name, son of Eudamidas, and sixth in descent from the famous Agesilaus; who, for endeavouring to alter the then present state of things, and bring in some obsolete laws of Lycurgus, about the dividing lands into equal portions, &c. was murdered by the contrary faction. See his life and death in Plut.

[p] The elder, whose daughter Cornelia was married to Sempronius Gracchus, and had those two sons by him.

[q] A nobleman of Sicyon, a city of Peloponnesus, son of one

the Sicyonian is deservedly commended as much on the other hand: he, when his country for fifty years together had been greatly oppressed and over-run by tyrants, went secretly one night from Argus to Sicyon, and made himself master of the city by surprise; and unexpectedly falling upon Nicocles, the then tyrant, he put him to flight. This being done, he recalled six hundred of the wealthy citizens, who had all been formerly banished by the tyrant, and by this his arrival, delivered the city from slavery and oppression. But he afterwards found it would be a great deal of trouble to settle the business of their estates and possessions; for he thought on the one hand it was very unreasonable that those men, whom he had restored, should want, whilst others enjoyed what in equity was theirs; and yet it seemed hard upon the other side, that men should be thrust out of those possessions, which now they had held for these fifty years: if, more especially it were wherewithal considered, that it could not but happen in so long a time, that they must have gone, a great part of them, from one to another, either by inheritance, purchase, dowry, or the like, and therefore were possessed by the present incumbents, without their having injured the rightful proprietors. Upon these considerations he judged it necessary, both to bear with the latter in the enjoyment of what they had, yet to satisfy the former, whom it justly belonged to. And finding a large sum of money was requisite to settle his business as it ought to be, he told them he had occasion to go to Alexandria[r], and ordered they should not concern themselves about it till his return. He goes accordingly with all possible speed to his old

Clinias; his father being killed by the treachery of Abantidas, he was forced to fly to Argos, at six years old. Afterwards, at about the age of twenty, he took the city again by surprise, made Nicocles the then tyrant fly, and settled peace and unity amongst his citizens. His life is written by Plut.

[r] The capital city of Egypt, and seat of their kings, built by Alexander the Great, in his return from visiting the temple of Jupiter Ammon.

friend Ptolemy[s], who at that time was reigning in Alexandria, being the second king after the founding of that city. Having told him his design of settling liberty in his country, and the reasons that put him upon undertaking that voyage, he quickly prevailed upon that wealthy prince to supply him with a quantity of money for his assistance. With this he immediately returns to Sicyon, and choosing out fifteen of the principal citizens, to help him with their counsel upon this occasion, he heard both the causes of those who possessed what had belonged to others, and of those who had lost what had been formerly their own. At last he so managed the whole business, as that, the estates being set at their true values, some were persuaded to part with what they had[t], and take an equivalent in money for it; and others to neglect the recovery of their own[u], and rest themselves content with being paid its full value. By this means the controversy was fairly determined, and all went home satisfied without grudging or complaining. Here was a great and extraordinary man now! Here was one that deserved to have been born in our Republic! This is the true way of dealing with citizens; and not (as hath been practised amongst us twice[x]) to make sale of their goods in the public markets, and have them cried by the voice of the common crier.—But this famous Grecian, as was the duty of a wise and extraordinary person, thought it became alike to provide for all; and indeed every magistrate, who proceeds upon principles of reason and prudence, will always take care not to make any difference between the interests of his people; but will govern them all by the same rule

[s] Surnamed Philadelphus, the founder of the famous Alexandrian library. He was son of that Ptolemy, who was Alexander the Great's captain, and who got Egypt to himself after the death of that prince.

[t] Viz. Of the present incumbents, who possessed those lands, which originally belonged to others.

[u] Viz. Of those who have been outed of their lands by the tyrants.

[x] First under Sylla the dictator, and afterwards under Cæsar.

and standard of justice and equity. Here is one man shall dwell in what belongs to another; what reason is there I beseech you for this; that when I have bought, built, repaired, and laid out a great deal of money, another should come and enjoy all the fruits of it, in spite of my teeth? Is not this plainly to take away from one that which justly belongs to him, and give to another, what he has nothing of right to? As to the project of forgiving debts, I can see no reason in the world for it, unless it be reason that another should buy land with my money, aud that he should have the land, but I never have my money.

CHAP. XXIV.

Care should be taken to prevent people's running too much into debt. Faith the cement of public society. Cicero's conduct in the Consulship about the matter of debts. The duties of a good magistrate. How one's health and estate are to be taken care of.

CARE ought therefore to be taken beforehand, which it is easy to do by a great many ways, to keep people from running so much into debt[y], as may bring any damage or inconvenience to the public: and not, when they are in, to oblige the creditors to lose what is their own, and let the debtors gain what in justice is another's; for nothing so cements and holds together in union all the parts of a society, as faith or credit; which can never be kept up, unless men are under some force and necessity of honestly paying what they owe to one another. This design of having debtors excused from payment, was never attempted with

y Since the design of making creditors forgive all debts, is so very pernicious, &c. it is one great business of a good governor, to prevent people's running too much into debt; which may be done several ways.

greater eagerness than whilst I was consul[z]: men of all ranks and degrees in the state took up arms and formed camps for the bringing it about; whose endeavours I resisted with so much vigour, as that the Republic was soon delivered from so pernicious an evil. There never were known greater debts in the city, nor ever more easily and faithfully paid; and pray what was the reason of all this? Why, because when their hopes of defrauding were cut off, they found themselves under a necessity of payment. It is true, there is one who has since been a conqueror[a], though then he was conquered by my vigilance, that has found out means to effect these designs[b], at a time when they would bring him no manner of advantage[c]; but such an inclination had that man to villainy, that the bare doing of it was a pleasure to him, without any other invitation in the world. The sum then of what has been said is this, that such as design for the good of the Republic, must be sure to avoid this sort of liberality, which takes away from one that it gives to another; and must consequently make it their principal care to uphold each member in his proper rights, according to the principles of justice and equity; so as neither to suffer the poorer sort of people to be wronged or oppressed, by reason of their poverty; nor the richer to be hindered from keeping or demanding what is justly their own, by the envy of the others; and, in fine, must apply their most earnest endeavours, whether in war or peace, to increase the power, and enlarge the bounds and revenues of the Republic. These are the duties and exercises of great men: these are the things which

z In the conspiracy of Catiline. See c. 22. book i.

a He means Cæsar, who being over head and ears in debt, was suspected in Catiline's time to favour his wicked designs underhand; and so may be said to have been conquered by Cicero, when he ruined Catiline.

b He made the creditors lose not all, but only a fourth part of their due.

c Because he was then got free from debt by other ways; and so had no occasion to make use of this, upon his own account.

were practised by our ancestors; and whoever goes on to perform the same, will not only bring great advantage to the Republic, but gain a mighty interest and reputation to himself. In these rules of duty, relating to things profitable[d], Antipater[e], the Tyrian, a Stoic philosopher, who lately died at Athens, thinks that two things have been omitted by Panætius: first, the care of getting and preserving one's health; and, secondly, of an estate. I believe that great philosopher might omit them on purpose, because they are so easy and obvious to every one: however it is certain they are both of them profitable. Now health is preserved[f] by considering the peculiar temper of one's body, and observing what agrees or does not agree with it; by temperance and moderation in meats and drinks, and other things relating to the welfare of the body, by forbearance and abstinence as to the matter of pleasures; and lastly, by the skill of physicians, and the like. An estate should be gotten by nothing that is any ways

[d] He has now done with his first head proposed in this book, viz. *Whether an action be profitable or not?* In which, after having shewn that men are able to bring the most profit to us, he gives some directions about how we should engage men to be of our side, and so do us all the service that lies in their power. He should now proceed to the second head proposed to be the subject of this book; but because Antipater thought the former not perfect, because two material things were omitted in it, viz. the care of our health and estate; he therefore before he leaves this head, adds a word or two about each of these.

[e] There were two or three Stoics of that name; the one of Tarsus, called Tarsensis, scholar to Diogenes Babylonius, and master of Panætius. He is mentioned c. 12. of the next book. Another about the same time, or, as others think, the same man by another name, called Sidonius, a familiar acquaintance of L. Crassus, an historian and poet, famous for making hexameter verses extempore (see Cic. and Quintil.) of whom we have several epigrams still extant in the Greek Anthologia. He is said to have had a fever every year on his birthday, of which at last he died. The third a Tyrian here mentioned, an acquaintance of Cicero, and particularly familiar with Cato Uticensis, whom he instructed in morality and politics.

[f] How the health of the body is to be maintained.

scandalous or dishonest[g]; preserved by diligence and prudent management; and, lastly, by the same means bettered and augmented. But this whole subject is excellently handled by Xenophon[h] the Socratic, in his book of Œconomics; which I formerly translated from the Greek into Latin, when much about as old as you are at present.

CHAP. XXV.

The comparing of things profitable one with another. An answer of Cato upon this head. Who are best able to teach how to get estates.

THE fourth chief head we proposed to speak of was the comparing things profitable one with another[i]; which is oftentimes necessary, however neglected or forgotten by Panætius. For we use to compare either the goods of the body with those of fortune; or these back again with those of the body; or, lastly, those both of the one and the other amongst themselves. First, the goods of the body are compared with those of fortune, as, it is more eligible, suppose, to be healthy than rich. Secondly, these back again with those of the body, as, it is better to be rich, than of a robust constitution. Thirdly, those of the body with one another, as health is preferable to pleasure; or strength to activity. And, lastly, those of fortune with one

[g] How an estate should be gotten, kept, &c.

[h] A famous Athenian, son of one Gryllus, and scholar of Socrates; a valiant and wise captain, as well as an eminent philosopher and historian. His works are most of them extant to this day: the native simplicity, purity, and especially sweetness of which have justly got him the name of the Athenian bee. The translation Cicero here mentions is lost, except some fragments.

[i] He comes now to the second head to be treated on in this book, viz. Of two that are profitable, which is most so? Which he but just touches upon, and shews that it was requisite to add this head to the three of Panætius.

another, as if glory should be preferred before riches, or an estate in the city, before another in the country. To this latter sort of comparing may be referred that answer of the Senior Cato's, who being once asked, What he conceived most profitable in the management of an estate? said, To feed cattle well. And what the second? To feed cattle pretty well. And what the third? To feed cattle, though but ill. And what the fourth? To till the ground. And then the enquirer proceeding still to ask, Pray what do you think of letting money out to usury? Pray what do I think, replies Cato, of killing a man? From what has been said, and a great deal more, that might easily be added, it is sufficiently manifest, that profits are often compared with one another; and that we had reason sufficient on our side, in making this a fourth head for the finding out our duty. But as for the business of getting an estate, and placing out money to the best advantage, and I wish I might add of applying it to the best uses, there are certain honest men[k] who attend at the Exchange, that can better inform you than any of the philosophers that dispute in the schools. It is worth while, however, to know these things, because they relate to the business of profit, which has made up the subject of all this Book. Let us now pass on to what remains behind.

[k] So he calls, by way of derision, the bankers, changers, &c. who frequented the Janus, a street in Rome of that name, very noted and eminent for such sort of people. The upper part of it was called Janus Summus, the middle Janus Medius, and the lower Janus Imus.

TULLY'S OFFICES.

BOOK III.

CHAP. I.

An excellent saying of the elder Scipio Africanus. Cicero betakes himself to a life of leisure and retirement, the Republic being quite ruined. The difference between his retirement and Africanus's. Some good to be drawn out of evils.

CATO[a], son Mark, who was near of the same age with Publius Scipio, the first that had the surname of Africanus[b] given him, tells us it was an usual saying of his, that he was never less idle than when he was idle; nor ever less alone, than when he was alone. A noble and excellent sentence indeed, and worthy of so great and wise a person; by which it appears, that in the midst of leisure he could think of business, and was used when alone to converse with his own thoughts: so that he never was properly idle, and needed no company to entertain him in his solitude. The two things therefore, which bring a kind of dulness and heaviness upon others, served but to sharpen and invigorate his mind, viz. solitude and leisure. I wish I

[a] Whom he spake of in the last chapter of the former book.

[b] Because he beat Hannibal and the Carthaginians in Africa. He was grandfather of the younger Africanus. The Roman historians are full of his praises.

could truly say the same of myself! But though I am not able to arrive at that inimitable temper of soul, I desire at least to come as near it as is possible; and being excluded by open violence and impious arms[c], from having ought to do with affairs of the senate, or business of the bar, I wholly betake myself to a life of retirement; and for that very reason have abandoned the city, and am often alone, only going from one seat to another in the country. But alas! my leisure is not to be compared with that of Africanus, nor my solitude with his solitude! For he was employed at that very time in places of the greatest reputation in the public; and his leisure was only a voluntary retirement, to give himself respite from business for a season; and his solitude only a kind of port or haven, into which he withdrew himself from the disturbances of company. Whereas my leisure proceeds not from any desire of respite, but from a want of business to employ myself about; for what proper work can I find to do, when there is no more a senate, nor any courts of justice[d] remaining entire[e], in which I might honourably shew myself: therefore, whereas it was my former custom to appear much in public, and in the eye of my citizens; I now on the contrary hide myself from them, to avoid the very sight of such packs of villains as are every where abroad: and as much as is possible confine myself to solitude. But since this is given us for a rule by the learned, that when several evils are threatening us at once, we should not only choose to undergo the least, but extract some advantage out of them, if it be possible; I therefore in the midst of all these present misfortunes, gain the small advantage of quiet and retirement, (though not such a quiet as he might have expected, whose wisdom had formerly procured the peace

[c] Those of Cæsar first; but after his death, of Mark Anthony and his adherents.

[d] The two places in which he before used to shew himself.

[e] Because all things were acted by violence and force of arms.

of the public[f],) and endeavour not wholly to languish out that solitude, which not choice, but necessity has laid upon me. Though Africanus indeed, I myself must confess, has got much greater glory by his solitude and retirement: for none of his thoughts are committed to writing, nor any monuments remain of what he did in his leisure, and when he was alone; whereby we are given to understand, that he never was idle, nor ever properly alone; because he was always employed in meditation, and his mind was busy in searching out those things, which by thinking he made himself master of. But I, who have not got such a strength of genius as to be content when alone with the company of my bare thoughts, am forced to apply all my studies and endeavours to the drudgery of writing: I have written more therefore within a very short time, since the ruin of the state, than I did for some years, while it was in its flourishing condition.

CHAP. II.

The subject of duties the most useful part of all philosophy. An exhortation to his son to be diligent in his studies. The subject of this third book. Panætius neglected to treat of it, though he did at first design it. A saying of Rutilius Rufus.

NOW though all philosophy, my dear Cicero, be rich, as it were, and a plentiful soil, which has not any part of it waste and uncultivate; yet there is no part that is more fruitful in it, or from which more advantage accrues to the husbandman, than that which is employed about offices or duties; from whence those precepts and directions are drawn, which lead toward a steady and virtuous way of living. Wherefore, though

[f] By freeing it from Catiline's conspiracy. See c. 22. book i.

I doubt not but that Cratippus, the greatest philosopher of our age, is daily inculcating these things to you, and you are receiving them with that attention they deserve; yet I have thought it not wholly unnecessary to remind you myself, of so important a matter, and could wish that your ears might continually ring, as it were, with such precepts, and not hear (as far as possible) any thing else. And as this is a method which is useful for all men, who design to lead virtuous and creditable lives; so for no one living, perhaps, more than yourself. For consider you are the son of an industrious father, one who has borne the greatest honours in the Republic, and has gotten himself some credit and reputation in the world; people therefore will expect that you should follow my steps, and it is your part to see that you answer their expectation. Beside, it is no small thing you have taken upon you, by being at Athens, and under the great Cratippus; whither since you are gone, as it were, to a staple and mart of good literature, it will be scandalous for you to return again empty, and bring a reproach both upon the place and your master. Wherefore, dear son, be industrious and diligent, and spare no manner of pains and labour (if I may call it a labour, and not rather a pleasure, to study and learn) that you may make a good use of these advantages before you; and when all things are thus plentifully supplied on my part, let it never be said, that you yourself are wanting to your own greatest interest. But I shall say no more upon this at present, having heretofore written again and again to you, by way of exhortation. Let us now proceed to the fifth and last part of our proposed division. Panætius then[s], who without all controversy, has written most accurately upon the subject of duties, and whom in this work, with a little

[s] After this discourse and advice to his son, he comes now to his subject, of comparing profit and honesty. But tells us first, that Panætius, though he proposed, yet did not discourse upon this third head: shews he designed to have done it, and is large in explaining the sense it is to be taken in.

alteration, I have hitherto followed, lays down (as was said) three general heads, which men use in consulting or deliberating concerning their duty: in the first it is questioned, whether the action they are going about be honest or dishonest. In the second, whether it be profitable or unprofitable. In the third, how a good man ought to determine the case, if that which seems honest should come into competition with that which seems profitable. Of the two former heads he has given us an account in his three first books, and therein has promised to go on with the third of them; but has failed, it should seem, of being so good as his word. Which I wonder at the more upon this account, because we are told by his scholar Possidonius, that he lived thirty years after those books were published. And I cannot but admire at the same Possidonius, that having an occasion, in some of his writings, to discourse upon this argument, he should do no more than just touch upon it in short; especially seeing he himself has observed, that in all philosophy there is no one subject more necessary and important. Some indeed think, whom I cannot agree with, that Panætius did not forget this part, but omitted it on purpose; and that in plain truth it ought to be omitted, since profit can never be really contrary to honesty: whether it ought to be omitted or not, may perhaps be a question; but whether Panætius first designed it or no, and yet afterwards neglected it, I think can be none: for a writer certainly, that proposes three heads, and goes through with but two of them, must needs design to discourse upon the third; nay, he tells us himself in the close of his third book, that he would afterwards proceed to this remaining part. Besides, we have the authority of Possidonius to vouch it, who in one of his letters has given us a saying of Rutilius Rufus, who was scholar to Panætius as well as himself; that as never any painter had been yet so bold as to venture upon finishing that piece of Venus, which Apelles[h]

[h] One of the most famous painters that ever was, of the

left imperfect at the island Cos; (the beauty of the face making all men despair, ever to paint a body that should be answerable to it;) so the excellency of that which Panætius had written upon this subject, made others afraid of attempting to add that which he had omitted.

CHAP. III.

Whether Panætius did well in making this third head. Reasons why he did not. The danger of separating profit from honesty. What the Stoics mean by living according to nature. Two sorts of virtue, the perfect and ordinary. The former belongs to the wise only; the latter is common to all. The most perfect virtue (as it is counted by the multitude) is really imperfect.

THAT Panætius therefore did think he was obliged to discourse upon this part, is beyond all question[i]: but whether he was mistaken in his judgment or not, when he laid down his head, as the third of deliberating for the finding out our duty, may perhaps be disputed. For whether, according to the opinion of the Stoics, we take virtue or honesty to be the only good[k]; or, according to that of the Peripatetics, acknowledge it so to be the chiefest good, as that all things else are just as nothing against it; it is certain, upon either of these

island Cos in the Ægean sea, therefore by Ovid called Artifex Cous. He is often mentioned by Greek and Latin writers, and particularly for an admirable piece of Venus rising out of the sea. He began a second, which is here mentioned, but did not live to finish it.

i Having shewn from reason, and the authority of Possidonius, that Panætius designed to have written upon this head; he now proceeds to enquire, whether he ought to have done it, or not?

k The reasons why Panætius should not have brought in this enquiry: first, honesty is the only, or at least much the greatest good; therefore profit should not be made to oppose it; nothing being comparable to the greatest good.

suppositions, that profit cannot be put in balance against honesty. We are therefore told, that Socrates used even to curse those people, who disjoined these things in thought and conception, which are one and the same in nature and reality. And the Stoics[l] are so far of his opinion, as constantly to maintain, that whatever is honest must be also profitable, and whatever is profitable must be also honest. It is true, had Panætius been one of those, who assert that virtue is therefore only desirable, because it brings something of profit along with it; like some[m], who think nothing any further worth seeking for, than as it begets pleasure, or exemption from pain; we could then have allowed him the liberty of saying, that profit is sometimes repugnant to honesty. But seeing he was one[n] who thought nothing to be good except that which is honest, and avows, that whatever is contrary to honesty, and appears to us under the notion of profit, can neither, if we have it, make life ever the better; nor, if we have it not, ever the worse; he should not, methinks, have brought in such a deliberation, wherein that, which seems profitable, comes into competition with that, which is honest. For that, which the Stoics[o] call their sovereign good (to live in conformity with the dictates of nature) means, I suppose, no more than this, that we should always live agreeable to the rules of virtue; and should use other things, which are suited and adapted to our natural inclinations, no further than virtue permits and allows them. Now this being so, there are several of opinion, that this general head, wherein profit

[l] Secondly, the Stoics, of whom Panætius was one, hold that profit and honesty are really the same thing; therefore he should not have brought in this head, wherein they are set in opposition to each other.

[m] Epicurus and his disciples; and also Hieronymus Rhodius, whom our author often mentions in his works. He lived about the 440th year of Rome, and had been scholar to Aristotle.

[n] Viz. Of the sect of the Stoics.

[o] Thirdly, the Stoics make the whole happiness of man to consist in living conformably to the rules of honesty; therefore profit should never have been brought in opposition to it.

and honesty are compared with one another, was improperly brought in; and that there ought not to have been given any rules or directions upon this subject. Now your perfect honesty[p], which is truly and properly called by that name, is only to be found in your perfectly wise men, and can never be possibly separated from virtue: but those men, who have not this perfect wisdom, must by no means pretend to such a perfect honesty, though they may have some shadows and resemblances of it. For all those duties, of which we are treating in these books, have the name of middle ones given them by the Stoics, which are common indifferently to all men in general, and are not confined to any particular number of them. But several get them, either by the peculiar happiness of their natures, or by a constant progress in study and learning; whereas those others, which they call right ones, are perfect and consummate, or (as they themselves express it) have all their numbers, which none can attain to, but the perfectly wise. It is true, that the vulgar, as soon as they see any action of such a nature, as indeed is no more than a middle kind of duty, are immediately thinking it a perfect and complete one: for the common sort of people cannot tell what is perfect, and by consequence do not know how much any virtue or excellency comes short of it[q]: but finding it answer the

[p] To what has been objected it might have been replied, that there is a double sort of honesty; the one perfect, and belonging to none but a perfectly wise man; the other middle, and which ordinary men are capable of: that profit ought never to be opposed to the former, but perhaps to the latter imperfect one it might. Here he gives a large account of this division of honesty, [see c. iii. book i.] and shews that the second, or middle sort of honesty, ought no more to be parted with for the sake of any profit, than the first or consummate one.

[q] Men judge of the perfection or imperfection of any thing, according as it comes up to, or falls short of, their ideas. He, whose idea is short and imperfect, will think a very mean piece of work to be excellent, because he has no notion of any thing that is more so: but an artist will judge it (as it really is) ordinary, because his conceptions are more refined and ex-

highest of their conceptions, they imagine it wants nothing of being as perfect as can be. Just as it happens in judging of poems or pieces of painting, and other such like; those who are not judges, are generally pleased with and praise those things, which by no means deserve any praise or commendation: because, I suppose, there may be something that is good in them, which serves well enough to take with those that are ignorant, and who have not so much skill as to be able to discover their several imperfections: and therefore, when they are instructed by those who understand it better, they are brought without difficulty to forsake their opinions.

CHAP. IV.

The greatest men that have been in the world, were not perfectly wise. Profit ought not to be compared with the middle, any more than with the perfect honesty. How men come to compare them together, or to doubt upon this subject. This illustrated by an example. One certain rule necessary for our guidance in this case. The doctrine of the Stoics preferable to that of the Peripatetics.

THOSE duties therefore, which make up the subject of this enquiry, by the Stoics are counted a kind of second-rate honesty, which is not confined to their wise men only, but is common and open to all mankind: and therefore all those who have any kind of sense of inclination for virtue, are very sensibly touched and affected with it. For you are not to imagine, when we

quisite. This is the reason why the vulgar imagine the imperfect virtues to be perfect and complete; because they fully answer their idea of perfection, which is but a half and inadequate one. It ought to be read here *propterea quod*, in the Latin; and not *propterea que*, as Grævius has it.

call the two Decii[r] or Scipios[s] magnanimous, and give Fabricius[t] and Aristides[u] the appellation of Just, that we set them for patterns of such justice and magnanimity, as we suppose to be in those who are perfectly wise. For they were none of them wise in that exalted sense, which we would here be understood to mean by that word. Nay those who were counted and surnamed the Wise, such as Cato, for instance, and Lælius, and particularly the famous Seven[x]; yet in truth and reality were not such; but by frequently practising that middle sort of duties, had gotten a sort of shew and resemblance of true wisdom. As no profit therefore ought ever to be put in opposition to that which is truly and perfectly virtuous and honest; so neither should any interest, or convenience of life, be set up against that, which is ordinarily called so, and which is followed by those, who desire to be counted men of honesty and integrity: and we should be as careful to live up to that honesty, whereof we are capable; as the perfectly wise are of keeping close to that, which

[r] Two famous Romans, father and son, who both in the time of their consulships devoted themselves freely for the good of their country: the father in the war with the Latins, about the year of Rome 412; and the son in that with the Samnites, about forty years after. See the form of it, Liv. book viii. c. 9. book x. c. 29.

[s] The two Africani, mentioned before.

[t] A noble and valiant consul of Rome, general in the war against Pyrrhus and the Samnites: so strictly just and honest, that though both Pyrrhus and the Samnites offered him presents, he refused to accept them; and yet so poor, that when he died, he did not leave enough behind him for his funeral; and his daughters had portions paid out of the public treasury. See c. 22.

[u] Such another at Athens, as Fabricius was at Rome. Themistocles being his rival in the state, got him banished by Ostracism: [see his Life in Plut. and Nepos.] But Xerxes afterwards invading Greece, they were glad to recal him again to defend his country, which he did very valiantly: at last, after having borne the greatest offices in the Republic, he died as poor as Fabricius did, and portions were given to his daughters by the public.

[x] The seven wise men of Greece, so much talked of among the ancients.

is truly such, and may in strictness of speech be called by that name. For whatever attainments we have made in virtue, they will never stand us in any mighty stead, if we be not thus careful of holding constantly to our duty.——What has hitherto been said can be applied to those only, who make goodness consist in living according to their duty: but those men[y], who measure the goodness of things by some profit[z] or advantage, which they bring along with them, and who let these prevail with them above virtue and honesty; frequently in deliberating, use to put that, which they take to be profitable, into the balance against justice and honesty; but good and wise men never offer to do it. I am therefore of opinion, when Panætius[a] tells us, that men use to deliberate, in considering which of these two they should choose; that he meant no more than what his words strictly signify, viz. that they use to do this, and not that really they ought to do it. For it is infinitely scandalous, not only to prefer a pretended advantage before duty and conscience; but so much as to bring them to the contest and competition, and to doubt whether the one of them should be chosen before the other. If this be so, you will be ready to ask me, How then comes there to be any doubt at all? And what is it that requires consideration upon this subject? I suppose it is this, that it sometimes happens men are not so very certain, whether the action deliberated upon be honest or not honest[b]; for that which

[y] Viz. The followers of Epicurus and Hieronymus Rhodius.

[z] It is to be remembered, that under the notion of the word profit, he comprehends pleasures, honours, &c.

[a] Having brought all the arguments urged against Panætius, for proposing this head, he now shews that they have all mistaken his meaning; for that he does not say profit may be opposed to honesty, but only that men ordinarily use to oppose it; and explains what is the true meaning of this head, and how people come to deliberate upon it.

[b] The subject therefore of this book is not, when a plain duty seems opposite to our worldly interest, viz. riches, pleasure, or the like, to deliberate which of those two we should follow, our pleasure (suppose) or our duty: the very deliberating in such

is usually counted a piece of villainy, is frequently changed by the times or circumstances, and is found to be the contrary. To lay down one instance, which may serve to give some light to a great many others; pray what greater wickedness can there be upon earth (if we speak in general) than for any one to murder, not only a man, but a familiar friend? And shall we therefore affirm that he is chargeable with a crime, who has murdered a tyrant, though he were his familiar? The people of Rome[c] I am sure will not say so, by whom this is counted amongst the greatest and most glorious actions in the world. You will say then, does not interest here carry it against honesty? No[d], but rather honesty voluntarily follows interest. If therefore we would, upon all emergencies, be sure to determine ourselves aright, when that which we call our advantage or interest, seems to be repugnant to that which is honest[e]; we must lay down some ge-

a case being impious, as he often says. But the design of the book is, when an action on the one hand is apparently for our worldly advantage; and on the other is somewhat doubtful; whether consistent with our duty or not; then to teach us how to determine ourselves so, as that a seeming interest may not betray us into that, which is opposite to our real one, i. e. our duty and honesty. He gives one instance of killing a tyrant, which may easily be applied to a great many other dubious cases; in giving directions about which he continues to c. vii. where he begins again his former discourse. See the latter end of c. vi.

[c] The Romans thought no duties so great, as those that regarded the maintenance of their liberty; for the sake of which they would break through all other obligations whatever. Nay there was a law among them, that he who killed a tyrant should not be questioned for it.

[d] That is, A tyrant is not therefore to be killed because it is a profitable action, though contrary to honesty: but because it is an honest, as well as a profitable one. For what can be more honest or agreeable to nature, than by taking off one man to preserve a whole community.

[e] Having shewn what is the subject of deliberation in this book, his next business is to lay down some method of determining ourselves aright. In order to which he proposes a general rule and standard, which is always to be made use of in such occasions of doubt.

neral rule or measure, which if we will make use of in judging about things, we shall never be mistaken as to point of duty. Now this measure I would have to be conformable to the doctrine and principles of the Stoics, which I principally follow throughout this work. For though I confess that the ancient Academics and your Peripatetics, which were formerly the same, make honesty far preferable to that which seems one's interest[f]: yet those who assert[g], that whatever is honest must be also profitable, and nothing is profitable but what is honest, talk much more bravely and heroically upon this subject, than those who allow[h], that there are some things honest, which are not profitable; and some things profitable, which are not honest. And we have very great liberty given us by our academy, so as never to be tied up to such and such tenets, but are left free to defend what we think most probable.

CHAP. V.

The rule or measure mentioned in the former chapter. The ill effects of men injuring others for their own advantage. Every one allowed to take care of himself in the first place; but not so as to injure any other, though to save his own life. Two errors that occasion men's acting contrariwise, and the absurdity of them.

BUT to return to our general rule or measure: there is nothing upon earth then so contrary to nature[i],

[f] See c. i. book i.

[g] Viz. The Stoics.

[h] Viz. The Peripatetics and ancient Academics.

[i] For nothing being so agreeable to nature as conjunction and society, that which tends to the ruin and dissolution of this, must needs be of all things most contrary to nature. Now the very end and design of society is the mutual help and assistance of each other, without which it is impossible it should ever subsist; *ita naturalis est societatis utilitatum communio* (says the learned Grotius) *ut sine ea nequeat societas consistere.* Those men therefore, who, instead of profiting, injure their fellows, do what directly tends to the ruin of society, and consequently what of all things is most contrary to nature.

neither death, nor poverty, nor pain, nor whatever other evil can befal a man, either in his body or fortune, as to take away any thing wrongfully from another, and do one's self a kindness by injuring one's neighbour. For, in the first place, it ruins all manner of society and intercourse amongst men; since it is plain, that if once men arrive at such a pass, as to plunder and injure the rest of their neighbours, out of hopes to procure some advantage to themselves, there must follow of course a dissolution of that society, which of all things in the world is most agreeable to nature. Should we suppose, for example, that the bodily members had every one of them gotten an opinion, that to draw to itself all the vigour of its neighbours, would very much serve to increase its own; it is certain the whole body must decay and perish: and just so, should every one amongst us deprive other people of their profits and advantages, and take away all he could get from them, with design of applying it only to his own use; the general society and fellowship of mankind must of necessity be broken. For though it is no more than what nature will allow of, that each man should look after himself in the first place, and furnish himself with the necessaries of life, before he takes care to provide for other people; yet the same nature will by no means permit, that any one should rise by his thrusting down another, and increase his own fortune by the spoils of his neighbours. And not only nature, that is the universal law or consent of nations, but particular laws, by which several countries and commonwealths are governed, have commanded likewise, that no one be suffered to do an injury to another, for the sake of procuring any advantage to himself. For the very design and end of laws is to keep up agreement and union amongst citizens; which whoever destroys, is by them punished, not with the loss of his goods alone, but with prisons, banishment, or even death itself. But nature and right reason, as being at once both an human and divine law too[k], command this duty with much greater

[k] Human, because consented to and acknowledged by all

authority; and whoever obeys them (as all men must, who propose to live according to the rules of nature) will never be guilty of coveting what is another's, or applying to his own use what had first been injuriously taken from his neighbour. For certainly greatness and elevation of soul; as also the virtues of courtesy, justice, and liberality, are much more agreeable to nature and right reason, than pleasure, than riches, than even life itself; to despise all which, and regard them as just nothing, when they come to be compared with the public interest, is the duty of a brave and exalted spirit: whereas to rob another for one's own advantage, is (as has been shewn) more contrary to nature than death, than pain, or any other evil whatever of that kind. Again, those men live much more according to nature, who suffer perpetual troubles and labours for the good and preservation, were it possible, of all men; (like Hercules of old, whom men, as a grateful requital for his benefits, report to be placed among the number of the gods;) than those who consume all their lives in retirement, where they are not only free from disturbances and vexations, but are furnished with all the pleasures and conveniences of life; and have moreover the advantages of strength and comeliness superadded to them. And accordingly we find it to be so in effect, that all the most great and extraordinary geniusses have preferred all the troubles and difficulties of the former, before the quiet and ease of this latter way of living. From all which laid together, it unanswerably follows, that whoever lives agreeably to the dictates of nature, can never be guilty of injuring another. In fine, he that injures another to do himself a kindness, either thinks he does nothing that is contrary to nature[1]; or

mankind, and natural to them: divine, because whatever right reason commands us, God himself, who has given us that reason, does in effect command us too.

[1] Having laid down his general rule or measure, and proved the truth of it from reason, laws, and the examples of the greatest men: he now shews the absurdity of the two contrary principles, which are the grounds or causes of men's injuring one another, viz. either they think it is not contrary to nature, &c.

that the doing an injury is a less degree of evil, than death, or poverty, or pain, or loss of children, friends or relations. If he thinks that in wronging and abusing of others, he doth not do any thing that is contrary to nature; it is in vain to dispute any longer with such a one, who takes away from man the distinguishing part, and very characteristic (as it were) of his nature: but if he allows, that it is indeed an evil, only thinks that some others, such as poverty, pain, or death, may be worse, he is grossly mistaken in being of opinion, that the ills which touch nothing but the body or fortune, can be greater than those which affect the soul.

CHAP. VI.

The interest of particulars inseparable from that of the whole community. The rule of not wronging another for our own advantage, extends not only to relations, or fellow-citizens, but to all mankind. The breaking of it, ruins all justice, liberality, &c. Several cases about it, put and resolved. Tyrants no members of human society.

WE should all of us therefore propose the same end, and every one think his own interest in particular, to be the same with that of the community in general[m]: which if each one endeavour to draw solely to himself, all union and agreement amongst men will be dissolved. And if nature enjoin us, that every man should desire and procure the advantage of another[n], whoever

[m] This is a conclusion from the foregoing discourse; seeing for one man to injure another is so very pernicious to human society; it follows, that no one should do any thing for his own interest, as distinct from that of the whole community.

[n] To what he has proved in the former chapter, that the injuring of others for our own advantage is the ruin of society, and consequently most unnatural, it might have been answered, that this holds good only as to lesser societies, and in respect of our kin, &c. but as for those who are of a different tribe or country, we are under no such obligation of not injuring them. He therefore here shews in answer to this, the extent of this ob-

he be, though for no other reason than because he is a man; it necessarily follows, that all men are joined, by the self-same nature, in one common interest: which if it be true, then all men are subject to, and live equally under, the same law of nature: and if this be true too, then certainly they are forbid by that same law of nature, any ways to injure or wrong one another; but the first of these is undoubtedly certain, therefore the last must needs be so likewise. For as to what is usually said by some men, that they would not take any thing away from a father, or brother, for their own advantage; but that there is not the same reason for their ordinary citizens; it is foolish and absurd: for they thrust themselves out from partaking of any privileges, and from joining in common with the rest of their citizens, for the public good: an opinion that strikes at the very root and foundation of all civil societies. Others there are, who are ready to confess, that they ought to bear such a regard to fellow-citizens; but by no means allow of it in relation to strangers: now these men destroy that universal society of all mankind; which if once taken away, kindness, liberality, justice, and humanity, must utterly perish; which excellent virtues whoever makes void, is chargeable with impiety towards the immortal gods[o]: for he breaks that society, which they have established and settled amongst men; the closest cement or bond of which, is the being of opinion, that for men to injure and wrong one another for their private interests, is an evil that nature is much more averse from, than all those which happen either to the body or fortune; nay, and I might add to the mind also, provided only they be not contrary to justice[p];

ligation; and proves that it is not confined to those of the same family, city, or the like, but equally comprehends all mankind; forasmuch as all are alike subject to the same law of nature, &c.

[o] For though the offence more immediately concerns the persons that are injured, yet it is also a sin against God himself; since it is a breach of his laws and commands.

[p] That is, to take away any thing from another, which is an act of injustice, is not only a greater evil than any of body or

queen of all the rest. But what? (perhaps some men will be apt to say,) if a wise man be ready to perish for hunger, must not he take away victuals from another, though a perfectly useless and insignificant fellow? Not at all, for life itself is not so dear to me, as a settled resolution of doing no wrong for my private advantage. But suppose this good man, almost dead with cold, should have it in his power to take PHALARIS's clothes away, one of the most savage and inhuman tyrants; would not you have him to do it? There is no great difficulty in determining such cases: for it is certain, if you take away any thing from another, though never so useless and insignificant a creature, for no other end but to benefit yourself by it; it is an inhuman action, and plainly contrary to the laws of nature: but if you are one, who by living will do very great service to the Republic, or perhaps to the society of mankind in general, and for that only reason take something from another; it is an action that is not to be found much fault with. But in all other cases, every man is bound to bear his own misfortunes, rather than to get quit of them by wronging his neighbour. You will say then, Is it not more contrary to nature, to covet or seize what belongs to another, than to be in sickness, or want, or any such evil? Yes; but withal it is as contrary to nature, to abandon all care of the public interest; for it is a piece of injustice: from whence it follows[q], that an honest, prudent, and valiant person, whose death would bring a great disadvantage to the public, may

fortune, but of mind too, (i. e. than any other vice,) except only those, which are offences against justice as well as itself.

[q] It is true the laws of nature, or right reason, forbid men to take away ought from another, for their own advantage; for it would be the ruin and dissolution of society, which they especially desire to maintain: but if it should at any time chance so to happen, that the doing of a damage to any third person, should be necessary to the support and maintenance of that society, then the doing it is not only allowed, but commanded by the law of nature.

take from an idle and useless citizen, such things as are necessary for the maintenance of life, without any offence against the laws of nature; which aim at the preservation and interest of the public; provided that he do not make the love of himself, and conceit of his own more than ordinary merits, an occasion of injuring and oppressing others. For he will perform but the duties which justice requires of him, by thus taking care to be serviceable to the public, and upholding that (which I am often forced to mention) universal society between all mankind. As for the question proposed about Phalaris, it is easily answered: for tyrants are not members of human society, but rather its greatest and most pestilent enemies; nor is it unnatural, if it lie in one's power to rob that man, whom it is even a virtue and a glory to murder. And it were heartily to be wished, that this whole destructive and impious race, were utterly banished and excluded from amongst men. Just as we cut off those members of the body, which have got no longer either blood or spirits in them, and serve but to infect and corrupt the rest; so should those monsters, which, under the shape and outside of men, conceal all the savageness and cruelty of beasts, be cut off as it were and separated from the body and society of mankind. Of much the same nature are all those questions, in which the knowledge and understanding of our duty depends upon the knowledge of times and circumstances [r].

[r] These words shew what has been the drift and design of his discourse from c. 4. [see note a, p. 210.] viz. To shew how we should determine ourselves in those particular cases, where the knowledge of our duty depends so much upon times and circumstances; as in the instance there given of murdering a tyrant, though a familiar friend. He now takes again the thread of his discourse.

CHAP. VII.

Cicero will finish what Panætius left imperfect. All his decisions taken from this principle, that honesty alone, or at least chiefly, is desirable for its own sake. The true meaning of Panætius, in making profit and honesty be compared with one another.

I BELIEVE then Panætius would have discoursed upon such things as these, but that some accident, or perhaps other business, put a stop to his designs. However, there are precepts enough laid down in his former books, to resolve all scruples and doubts concerning them; from which we may learn what that is which is wicked, and therefore to be avoided; and what that, which therefore is not to be avoided, because not at such times, and in such cases wicked. But since I am going (as it were) to crown a work[s], which was left imperfect by the author of it, though wanting but little of being brought to perfection; I shall follow the method of the geometricians: and as they do not use to demonstrate every thing, but demand to have some things allowed them beforehand, by the help of which they more easily explain and demonstrate their designs; so I demand of you, son Mark, if you can, to grant me this following postulatum, that nothing is desirable for itself alone, but that which is honest; or however, if Cratippus[t] will not permit you to do that; yet at least, I am sure, you must grant me this which follows, that honesty is desirable for its own sake, above all things in the world: either of the two is sufficient for my purpose, and the one is probable as well as the other, and

[s] He means Panætius's works about duties, which, as before was observed, he left imperfect: and Cicero in this book designs to add, what Panætius either would not, or for some reasons could not finish.

[t] For being a Peripatetic, he could only allow that which immediately follows, that honesty is much the most desirable good; not that it is the only one, which was the Stoic opinion.

nothing else beside them is so upon this subject[n]. And here in the first place we must do right to Panætius; who does not say, as indeed he ought not, that that which is profitable, could ever be contrary to that which is honest; but only that which has the appearance of such. And he often avows, that nothing is profitable, but that which is honest; and, that whatever is honest, is at the same time profitable: and declares their opinion, who first made a difference between those two, to be the greatest evil that ever yet spread itself abroad amongst men. Therefore, when he speaks of a contrariety between them, he means an appearing, and not a real one; which he therefore laid down for one of the heads of his discourse: not as though it were lawful for men ever to give profit the preference before honesty; but only that they might be able to determine themselves aright, if these two at any time should seem to interfere and be inconsistent with one another. This part therefore, which he has omitted, I shall now supply; not with any borrowed assistance from others, but purely (as we say) by my own strength. For I never had any thing come to my hands upon this subject, that I could any ways approve of since the time of Panætius.

CHAP. VIII.

What we ought to do, when any thing presents itself under the appearance of profit. Proof that whatever is profitable, must also be honest; and whatever is honest, must also be profitable. The contrary opinion the great source of all wickedness. Infamy a certain punishment of villainy. It is a wickedness even to deliberate whether profit should be preferred before honesty, or not. Nothing is to be done out of hopes of being concealed.

WHENEVER therefore any thing comes in our

[n] Viz. Nor the opinions of Epicurus, Hieronymus Rhodius, &c.

view, which carries the appearance of profit[x] along with it, we cannot but immediately be somewhat affected with it: but if, upon taking a nearer view, we find there is any thing base and dishonest, in that which appeared to be profitable at first, it is our duty to reject it: which is not to deprive us of what is really profitable, but only to let us understand, that nothing dishonest can possibly be such. Now if nothing be so contrary to nature as baseness[y], and nothing so agreeable to nature as true profit, (which is certainly so; for she always desires what is right and becoming, and consistent with itself, and abhors the contrary,) then it necessarily follows, that whatever is profitable can never have any baseness or dishonesty annexed to it. Again, if we were born for virtue or honesty[z], and this be the only desirable good, as Zeno[a] would have it, or at least so much more so, than every thing else, as to outweigh all that can be put in the scale against it, which was Aristotle's opinion; it must certainly follow, that honesty is the only, or however the greatest good: now whatever is good must certainly be profitable; from

[x] Having laid down his postulatum, that honesty is the only, or at least the chief good: he proceeds now to draw some conclusions from it; as first, that however a thing may carry the appearance of profit along with it, yet it is to be rejected if it have any dishonesty in it: because it would deprive us of our virtue and honesty, which is our greatest, if not sole good; and consequently however it may bring us riches, pleasures, &c. must be really unprofitable. For it is impossible there should be any profit, where the loss is honesty.

[y] He shews that, whatever is truly profitable must be honest also; since profit and dishonesty (being one of them contrary, and the other agreeable to nature) can never meet both in the same action: and therefore in rejecting pleasures, riches, or kingdoms, &c. when accompanied with dishonesty, we do not reject what is really our interest, but only that which appears to be so.

[z] Having shewn that, whatever is profitable must also be honest; he here shews back again, that whatever is honest must also be profitable; upon which two propositions all this book is grounded.

[a] Founder of the Stoic sect; surnamed Citteius, from Cittium, a town in Cyprus, where he was born.

whence it follows, that whatever is honest must also certainly be profitable. It is a villanous error of some naughty men therefore, when any thing strikes them with an appearance of profit, to seize it immediately and enjoy it as such, without ever considering its relation to honesty. Hence come assassinations, poisonings, and making of false wills: hence stealing, embezzling the public monies, plundering and oppressing both citizens and confederates: hence the insufferable power and insolence which some men exercise, who are grown too great for the rest of their citizens: in fine, hence ambition, and the desire of rule, have produced their most cursed and deplorable effects, even in free commonwealths; than which nothing can be thought of more odious and detestable. For men look upon the fancied advantages of things through a false perspective; but as for the punishment appendant to them, (I do not mean of the laws which they frequently break through; but of baseness and dishonesty, which is much the more grievous,) that, I say, they never so much as think upon at all. Such people therefore are impious and abominable, and deserve to be excluded from all society, who deliberate with themselves, and make it matter of doubt, whether they should choose what they see to be honest, or wilfully commit what they know to be villany. For the very making a question of such a thing is criminal, though one should not proceed so far as to execution. Those things therefore ought not to be deliberated at all upon, where the very deliberation is scandalous and dishonest. And whenever we do deliberate upon any kind of subject[b], we should never do any thing out of hope, and expectations, that our actions will be concealed: for we ought to take this

[b] He now proceeds to a second conclusion, drawn from his general principle laid down, which is, never to venture upon any thing that is ill, out of hopes of being concealed: for if dishonesty be of itself the greatest evil, it is not the being concealed that can make it otherwise. This he illustrates by an excellent fable, taken out of the second book of *Plato de Repub.* toward the beginning.

as a constant maxim, if we pretend to have made any progress in philosophy, that though we could hide from the eyes of all men, and even of the gods themselves, whatever we go about; yet we should be careful to abstain from the vices of covetousness and injustice, of lasciviousness and incontinency.

CHAP. IX.

He illustrates his rule laid down in the former chapter with the story of Gyges, taken out of Plato. He shews himself a villain, who acknowledges he would do wickedly, if he could with secrecy.

TO this purpose Plato brings in that remarkable story of Gyges[c]. A gaping in the earth being made by reason of some violent showers, as the story tells us, Gyges went down into the hollow of it, and found there lying a brazen horse, with a door in his side. This he opened, and looking in, discovered a dead man's body, of an unusual bulk, with a ring of gold upon one of his fingers. This he pulls off, and puts upon his own finger; and then coming up, goes and joins himself to the rest of the shepherds, (for he was shepherd to the king at that time.) Here he observed, that upon turning the stone toward the palm of his hand, he became invisible to every body else, though others did not become so to him; and that upon turning it to its proper place, he immediately became visible again, as before. Making use therefore of this lucky opportunity, he found out a way to enjoy the queen, and by her as-

[c] He was a friend and favourite to Candaules, king of Lydia, who having an extraordinary beautiful wife, was continually bragging of her, and would needs have Gyges look upon her naked. At which the queen was so provoked, as that she persuaded Gyges to murder Candaules; which he did, and obtained both his wife and kingdom after him. His performing this with very great ease by the wife's assistance, gave Plato occasion to invent this fable.

sistance to murder the king, his lord and master, and to make away those who might prove any hindrance or stop to his designs; nor could any one possibly see or discover him in any of these villanies; so that he quickly, by the help of this ring, from a simple shepherd became king of Lydia. Now had a truly wise man had the keeping of this ring, he would not have thought himself ever the more privileged to be guilty of any action that is wicked or detestable: for good men desire to be virtuous and honest, and not to be secret, that so they may sin without danger. And here some philosophers, men of more honesty than acuteness or subtilty, cry out, that this story of Plato's is a mere fiction: as though he had said either that it really was, or indeed could be done. No; the meaning and design of this example of Gyges and the ring, is this: Suppose you could do any dishonest action, for the gratifying a lustful, covetous, or ambitious desire, so as that no one living could either know or suspect it, but both gods and men must be kept perfectly in ignorance; whether in such case would you do it or no? Aye, but, say they, this is an impossible case: though it is not so impossible neither: but that which I ask them is, what they would do, supposing that possible, which they deny now to be so? The manner of their arguing is somewhat odd and illiterate; for they still deny the possibility of it, and that they will stand to; not, it seems, understanding what the force and true import of this supposition is. For when we put the question to them, whether they would do such an action or not, supposing they could conceal it; we do not ask them, whether they can conceal it or not? but put them, as it were, to the rack or inquisition; that so, if they say they would gratify such desires upon assurance of impunity, we may know them to be villains by their own confession; but if they deny it, they may be forced to grant, that every base and dishonest action is barely as such to be shunned and detested. But to return to our purpose from which we have digressed.

CHAP. X.

Several cases, wherein men doubt whether that which appears to be profitable be not honest. The case of Brutus banishing Collatinus; of Romulus murdering his brother Remus. Men may do what is for their own advantage, provided they do no injury to another. An excellent saying of Chrysippus to that purpose. How far a man may honestly, and ought to go upon a friend's account; illustrated by the example of Damon and Pinthias, two loving friends.

THERE frequently happen a great many cases which disturb men's minds[d], and put them into suspense, by the shew of some profit which they seem to contain in them. Not when men deliberate, whether they should leave and abandon their honesty for the sake of any profit, be it never so great, (for that is a piece of wickedness,) as was before observed; but, whether that action which appears to be profitable, may not safely be done without transgressing against honesty. It might not seem honest in Brutus[e], for example, to

[d] He has shewn in the two last chapters, that when an action is certainly dishonest, it is impious to deliberate whether we shall do it, or not; or to hope for secrecy, that so we might do it without danger; whatever seeming profit, such as kingdoms, &c. it may bring along with it. He now proceeds to determine some cases, wherein it is doubted whether the action be honest, or not. As first, the desire of honour, empire, &c. is apt to blind people's eyes, and either make them in suspense about the justice of an action, as in the case of Brutus; or even act plainly contrary to justice and conscience, as Romulus did.

[e] The first consul of Rome, after the expulsion of king Tarquinius Superbus. L. Tarquinius Collatinus was his colleague, who had been husband to Lucretia, and assisting to Brutus in expelling the king. However Collatinus, upon the senate's commanding it, was deprived of his consulship, and expelled the city by Brutus, only because he was of the name and family of Tarquinius Superbus. See *Livy* and *Plutarch's Poplicola*.

depose Collatinus his brother consul from his office, whose wisdom and conduct he himself had made use of in expelling the kings. But since the chief men in the government had so ordered, that the kindred of Superbus[f], and very name of the Tarquins, should be banished the city, and no marks or footsteps be suffered to remain of monarchical government; it was not only profitable thus to consult for the safety of his country, but so honest too, as that Collatinus himself ought joyfully to have acquiesced in it. That which was profitable therefore prevailed, because it was honest withal; which had it not been, it could never have been profitable. I cannot say the same in relation to that king[g], by whom this city was first founded: for a bare shew of profit got the better over him, when he imbrued his hands in the blood of his own brother, because it seemed more profitable to reign by himself, than in conjunction with another: he broke all the ties both of brotherly affection and common humanity, for the obtaining of an end which appeared to be profitable, and yet really was not so. He pretended however, for a shew of honesty, that it was done to revenge an affront of his brother's, who leaped with contempt over his new-raised wall; a frivolous excuse, and, if true, not sufficient to serve his turn: by his favour, therefore, whether Quirinus or Romulus[h], I cannot but think he did a very ill action. Not that men are bound to be careless of their own interests, or

[f] The last king of the Romans, so called for his pride and haughtiness. He was expelled his kingdom by Brutus, &c. and last died in exile.

[g] Romulus the founder of Rome. The historians generally tell us, that as he was building the walls of his city, his brother Remus (who himself was founding a city just by) came to see his work; and leaping with scorn and contempt over his new wall, was murdered by Romulus for that affront. But Cicero, it seems, thought there was something more in it, viz. that he might reign alone.

[h] A name given by the Romans to Romulus, after he was supposed to be taken up into heaven, and enrolled in the number of the gods.

to part with that to others which themselves stand in need of; but every one may do what he thinks for his own advantage, provided it be no injury or prejudice to another person. Chrysippus[i], amongst a great many very good sayings, has this one in particular: "He that is running a race ought to strive and endeavour, says he, as much as he is able, to get before his antagonist; but must not trip his heels up, or thrust him aside with his hands: so in life it is allowable, that every one should get what is useful and convenient for his comfortable subsistence, but it is not so to take it away from other people." But it is no where more difficult to keep to one's duty, than in the affair of friendship[k]; for as not to do every thing that one handsomely can for the sake of a friend; so to do any thing that is base or dishonest, are both of them equally contrary to one's duty. But there is one very short and yet easy rule, which may serve to direct us in all cases of this nature; and it is this, never to prefer that which only seems profitable, such as honours, riches, pleasure, and the like, before a kindness to a friend; but never to do any thing for the sake of a friend that is an injury to the public, or a breach of one's oath, or other solemn engagement: for whoever does this, it is impossible he should ever be a good man. Should such a one therefore be judge in his friend's case, he would not by any means be biassed in his favour, but would wholly lay aside the

[i] A Stoic philosopher, one of the chief upholders of that sect, scholar of Cleanthes, so famous for logic as that it was usually said, "If the gods were to make use of logic, it would be that of Chrysippus." Cicero often quotes him, and says, he was a man of a sharp wit, and very curious in all history. He left seven hundred volumes, of which three hundred were logic, behind him, which are all lost. The Athenians had so great a value for him, as that they put up his statue in a place of their city called Ceranicus.

[k] As people may sometimes be drawn to do wickedly for the sake of honour, reigning alone, &c. so may they also for the sake of a friend: concerning which he gives one short and excellent rule; "Never to prefer," &c.

person of a friend, as soon as he took upon him that of a judge. Perhaps he might do so much for friendship sake, as to wish that his friend may have the juster cause; and allow him as long time to speak for himself as the laws[l] will permit of: but when he is to give in his sentence upon oath[m], he will then remember that he calls God to witness, that is, I conceive, his own soul and conscience[n], the divinest thing that God has granted to man. It is a good custom therefore we have received from our ancestors, if we did but observe it, of desiring the judge to be as favourable to us as his oath will permit him. The meaning of which request is no more than this, that he would do so much for us, as I just now said might very honestly be done by a judge for his friend. For if men were obliged to do every thing presently that their friends should desire of them; such agreements as these ought to be counted not friendships, but dangerous conspiracies. I speak here only of the ordinary sort of friendships; for in those which are found between perfectly wise men[o], there can be no danger of any such thing. Damon and Pinthias[p], two of Pythagoras's followers, were so closely united to one another in their affections, that when Dionysius the Sicilian tyrant had appointed a time wherein one of them should die, and the party condemned had begged a few days respite, wherein he might provide for his children and

[l] For there was a law amongst the Romans, allowing the plaintiff but so many hours to speak in; and the defendant one more.

[m] For the judges among the Romans were sworn always to judge impartially.

[n] For the soul or conscience, according to the ancients, is nothing but a kind of god in us, and the voice of one is indeed the voice of the other. Hence Plato called all wicked men ἄθεοι atheists, for acting in opposition to their reason and conscience, that is, to the God dwelling within them.

[o] Because men of perfect wisdom will never desire any thing, but what is honest and reasonable, one of another.

[p] A famous pair of friends, and often mentioned as such by ancient writers. See *Valer. Max. Plutarch, &c.* and our author's *Tuscul. Quæst.* l. v. c. 22.

family, and recommend them to somebody who would take care of them after his death; the other delivered himself up in his stead, voluntarily to die in the room of his friend, if he did not accordingly make his appearance. The prisoner came back at the day appointed, in order to his execution; which the tyrant perceiving, was so greatly amazed at their extraordinary faithfulness, as to desire he might be admitted a third man in their friendship. In friendship therefore, when that which seems profitable comes into competition with that which is honest, the latter should always be preferred before the former: but faith and religion should be preferred before friendship, whenever it demands any thing that is not reconcileable with virtue and honesty. Which one rule, if but carefully attended to, is sufficient for the purpose we are now upon; which is to discover upon every occasion, what are those duties which friendship requires of us.

CHAP. XI.

In the management of the public affairs, the appearance of profit makes men relinquish honesty. Several examples of it. Examples of the contrary, when the appearance of profit is rejected for the sake of honesty.

THE appearance of profit is also an occasion in public affairs[q], of making false steps, and doing several things that are contrary to duty. Thus our fathers, for instance, did ill in destroying and rasing of Corinth. The Athenians yet worse in making an order, that the people of Ægina should all have their thumbs cut off, because they were powerful at sea. This, no

[q] Having shewn how far the love of empire, friendship, &c. draws particular men from their duty; he now goes to shew, how whole republics have been drawn to what is ill, by the appearance of some pretended profit.

question, was thought a profitable decree; for Ægina[r] seemed to threaten their port Piræum, by reason of its nearness; but nothing can truly be profitable that is cruel; for the nature of man, which we ought to follow as the guide of our actions, of all things in the world is most opposite to cruelty. Those do ill likewise, who banish all strangers, and forbid them the city; as Pennus[s] did in the preceding age, and Papius[t] but lately. For though it is but fair, that he who is no citizen should not have the privileges of those who are, (which was made into a law[u] by two very wise consuls, viz. Crassus and Scævola;) yet wholly to exclude them from having any thing to do there, is plainly against the dictates and laws of humanity[x]. And as these things are bad in the government of a state, so nothing is more splendid and glorious on the other hand, than for that, which appears to be the interest of the public, to be rejected in the comparison with justice and honesty. Our own commonwealth can abundantly supply us with examples[y] of this nature, as on other occasions, so more especially in the second Punic war; when, after the loss of that fatal day at Cannæ, it shewed more courage and bravery of resolution, than ever it had done upon the

[r] A little island in the Sinus Saronicus, almost over-against the Piræum, a port of Athens, somewhat distant from the city, but joined to it by a mighty wall, built by Themistocles.

[s] M. Junius Pennus, a tribune of the people about the year of Rome 657. It is quoted by some under the name of Lex Petronia.

[t] C. Papius, tribune of the people An. U. C. 688, two years before Cicero was consul.

[u] In the year of Rome 658, called Lex Lucinia et Mucia. See note on c. xvii. of this book.

[x] This is true, provided those strangers live peaceably under the government, and no ways prejudice or endanger the state; for then to let them live there is a thing innoxiæ utilitatis: otherwise there are several cases, wherein it is allowable to expel strangers from a city.

[y] Some examples of the contrary practice of those that would not suffer a seeming advantage to make them do any thing contrary to their duty.

greatest successes. There was not any sign of faint-heartedness seen, nor ever any mention of peace once heard of: so great is the glory and brightness of honesty, as that it utterly overwhelms the appearance of interest. The Athenians[z] knowing they should never be able to resist the Persians, resolved by consent to abandon their city, and carrying their wives and their children to Trazene[a], to defend by sea the liberties of Greece: and when one Cyrsilus tried to persuade them not to leave their city, but receive Xerxes into it, they took him and stoned him: not but that the man would have drawn them to a thing which was seemingly profitable; but that seeming profit was really none at all, being contrary to honesty. Themistocles, after that notable victory in the Persian war[b], told all the people in a general assembly, that he had thought upon a thing which might prove of great use and advantage to the public, but which it was not convenient that every body should know of: whereupon he desired they would appoint him some person to whom he might safely communicate it in secret. Aristides was immediately appointed accordingly: Themistocles told him, it would be no hard matter to fire in private the Spartan fleet, which was laid up at Gytheum[c]; whereby the whole power of that Republic must necessarily be ruined. Aristides, as soon as he knew the business, went back into the assembly, (which was big with expectation of what he had to say,) and let them all know, that Themistocles's counsel indeed was advantageous, but by no means honest or creditable for the city. The Athenians therefore, thinking what was dishonest not to be truly profitable, rejected immediately the whole proposal, without having heard so much as what it was, upon nothing else but this report of Aristides. How much better and more honestly

[z] See Plutarch's life of Themistocles.

[a] A city of Peloponnesus, in alliance with the Athenians.

[b] At the island Salamis, mentioned c. 12. book i.

[c] A port of the Lacedæmonians, where their fleet was laid up after the famous battle at Salamis.

did they do than we, who can suffer even pirates to live free from molestation, and yet demand tribute of our confederates and allies[d]?

CHAP. XII.

The opinion that a thing may be profitable, though it is not honest, very pernicious. A case put, wherein it is doubted, whether that which seems to be profitable, be honest or no? The arguments on either side, of two philosophers differing in their opinion. The difference between to conceal, and not to tell. The society of mankind, how far it obliges.

LET us lay down this therefore as a standing maxim, that whatever is dishonest can never be profitable; no, not though we should arrive at the full possession of all those advantages which we proposed to obtain by it. Nay, this very persuasion, that a thing may be profitable, though it is base and dishonest, is one of the greatest misfortunes and calamities that could ever have happened to the life of man. But there often fall out, as was before observed, some peculiar cases[e], wherein that which is honest has a seeming repugnance with that which is profitable; so that it requires some farther consideration to know whether this repugnance be certain and real, or whether they may not be brought to a fair agreement. To this head belong such examples as these: suppose we, for instance, an honest merchant, when corn was scarce and extremely dear at Rhodes, to bring a large quantity thither from

[d] It is probable he means those of Marseilles, and king Deiotarus; whom Cæsar either deprived of their liberty, or made pay great sums of money, for taking part with Pompey in the civil war.

[e] He now proposes several particular cases, wherein the philosophers themselves dispute; whether profit and honesty be opposite or not.

Alexandria; and withal to know, that a great many ships, well laden with corn were on their way thither from the same city: should he tell this now to the people of Rhodes, or say nothing of it, but sell his own corn at the best rates he could? We suppose him a virtuous and honest man, and do not here discourse of the deliberation of one, that would hold his peace if he thought it were dishonest; but of one that doubts whether it be dishonest or not. In such sort of cases Diogenes[f] the Babylonian, a man of great credit and note among the Stoics, is of one opinion; and Antipater his scholar, an extraordinary smart and ingenious man, of just the contrary. Antipater would have every thing be plainly told, that so the buyer might be ignorant of nothing in what he buys, that the seller himself knows of: Diogenes thinks it enough in the seller to tell the faults of his goods as far as the laws require it; and as for the rest, though to use no cozening, yet since he is come with design to sell them, to get as much money for them as ever he can. Here, may the merchant say, I have brought my corn; I have exposed it to sale; and sell it no dearer than other people do, (nay perhaps he will say cheaper, there being now a greater quantity than there was before;) and pray where is now the wrong I have done to any body? Antipater argues upon a different principle: What say you, (quoth he,) are not you obliged to do good to mankind? and be serviceable to the society of all men in general[g]? Were not you born under such an obligation? And had not you such principles ingrafted into you by nature, which

[f] Scholar of Zeno the Zidonian, born at Seleucia a town near Babylon, and thence called the Babylonian. He was a wise politician as well as a philosopher: and was sent by the Athenians, together with Critolaus and Carneades, to manage their business with the Roman senate. Here he got acquainted with Africanus the elder, the wise Lælius, &c. who were all delighted to hear his lectures. See *Cic. de Orat.* book ii. c. 37.

[g] See book i. c. 7, 9. book iii. c. 5, 6.

it is always your duty to follow and obey, that your single interest should be the same with that of all men; and again, that of all men should be the same with yours? And will you, this notwithstanding, conceal from the people what plenty there is coming, the knowledge of which might be of so great use and advantage to them? Diogenes perhaps will reply upon him thus: It is one thing to conceal, and another not to tell: nor can I be said to conceal from you now, though I do not tell you, what the nature and essence of the gods is, and what the happiness or chief good of men; things which it would do one much more kindness to know, than that corn will be cheaper, because great quantities are like to be here shortly. But if any thing be profitable for you to hear, it is none of my duty to come and tell it you immediately. Nay, but you will find that it is your duty, (may the other reply,) if you will please but to remember, that there is such a kind of thing as a mutual relation and society amongst all men. Well, I do remember it, (may the other reply again;) but, I pray you, is that society of such a nature, as that no man who lives in it must have any thing that is his own? If this be so, then there is no more selling, but we must even give every thing away that we have.

CHAP. XIII.

Another case put, whether he that sells a bad house, be obliged to tell the purchaser it is so? The arguments pro and con of Antipater and Diogenes. Cicero's determination of it, as also of that in the foregoing chapter, what it is proper to conceal.

YOU plainly perceive, that it is never once said in all this dispute, though such a thing is not honest, yet I will do it because it is profitable: but the one side

defends the expediency of it[h], no farther than it is honest; and the other denies that it ought to be done[i], because it is not honest. Again, suppose an honest man were to sell an house, because of some defects which he himself knows of, though others do not: suppose it to be unhealthful, for example, but esteemed quite the contrary; serpents to annoy all the chambers of it, but nobody to know this; made of bad materials, and ready to fall, but no one to discern this, except the owner only: I demand, if he sells this for more than he expected, and do not tell the buyer of these several faults, whether he do not act like a knave and a villain? Yes undoubtedly, answers Antipater: for what is this better, than not to set a man right when he is out of his way, (which at Athens was punished with public execrations[k],) thus to suffer the buyer, as it were, to fall headlong, and run through a mistake into very great mischiefs. Nay, it is something worse yet, than not to shew a man his way; for it is wilfully and designedly to draw him into mischief. Diogenes on the contrary vindicates the seller; pray did he force you, says he, to buy his house, when he did not so much as advise you to it? He set a thing to sale which he did not like; and here you have bought a thing which you did like. For if those men who make it be published to the world, here is a very good house, and very well built, to be sold, are not counted deceivers, though the house be not good, nor at all well built; how much less should those be counted so, who do not commend their house at all? For wherever the buyer has the free use of his judgment, what fraud can there be upon the seller's part? And if a man is not bound to make good all he said[l],

[h] Diogenes.

[i] Antipater.

[k] A kind of curse or excommunication proclaimed solemnly by the priests. See Plut. and Corn. Nep. Life of Alcibiades.

[l] When, for example, he causes it to be published, here is a very good house to be sold; he is not bound to answer for its goodness, if it should prove otherwise.

would you have him make good what he did not say? Beside, what, I beseech you, could be more odd and foolish, than for the seller to tell the faults of his own wares? Or what more ridiculous, than for the crier to proclaim by the proprietor's order, an infectious and pestilential house to be sold? And thus you see there are some doubtful cases, in which on the one hand men argue for honesty, and on the other are advocates for profit; so far as to shew, that it is not only honest to do that which is profitable, but even dishonest to neglect and omit it: and this is that seeming opposition we spoke of, which often falls out between profit and honesty. But let us now proceed to determine these cases[m]; for we did not propose them for mere question's sake, but that we might give them a fair decision. I am then of opinion, that the corn-merchant ought not to have concealed from the Rhodians, nor this seller of his house from the purchasers of it, the several things that are mentioned in their cases. It is true not to tell a thing, is not properly to conceal it; but not to tell that, which people are concerned to know, merely for the sake of some advantage to yourself, I think is: and there is nobody but knows what kind of concealing this is, and who they are that make a custom of it: I am sure not your plain, sincere, ingenuous, honest, and good sort of people; but rather your shifting, sly, cunning, deceitful, roguish, crafty, foxish, juggling kind of fellows. And must it not necessarily be unprofitable for any man to lie under this, and a much longer catalogue, of such black and most odious names of vices?

[m] Having proposed these two cases, he now proceeds to the decision of them; and thinks the two were bound to tell all to the purchasers, because such concealing is a shifting, sly, deceitful, &c. and by consequence an unprofitable trick.

CHAP. XIV.

Of those, who are so far from telling the faults of the wares, as that they invent lies to make them appear the better. An example of this kind. Aquilius's definition of knavery, or dolus malus.

AND if those men are thus blameable[n], who keep the faults of their things secret; what shall we think of those, who add downright lying to it? C. Canius, a Roman knight, one that loved to be pleasant, and a pretty good scholar, removing to Syracuse[o] for the sake of retirement and not of employment, (as he was used to say,) gave out he had a great mind to buy some gardens, whither he might invite his friends and acquaintance, and enjoy their conversation without being interrupted. This coming abroad, there was one Pythius, a goldsmith or banker at Syracuse, who told him, indeed he had no gardens to sell, but such as he had were at Canius's service, (if he pleased to make use of them,) as much as though they were his own: and withal he desired him to come the next day, and take a dinner with him there. When Canius had promised him to come accordingly, what does he do but send immediately for some fishermen, (having interest enough, by reason of his calling, with all sorts of people,) and desires them the next day to fish before his gardens: giving them their instructions about what he would have them do. Canius came at the time appointed, and Pythius had provided a very splendid entertainment for him. Just before the garden, where he could not but take notice of it, was a company of fishing boats; and every one of the men in particular

[n] Having shewn that those who conceal are to blame; he proceeds to those who invent plain lies for the sake of a little seeming advantage; who must needs be much more faulty.

[o] The chief city of the island Sicily, a very pleasant and delightful place; taken by the Romans under the conduct of Marcellus, in the second Punic war.

brought the fish he had caught, and laid them down before Pythius. How now, Pythius! (says Canius to him;) what! all these fish here? All these boats? O lack, Sir, (says the other,) that is no great wonder; all the fish that supply the city must be taken here: this is their common water; none of these people could ever live, if it were not for my house. Canius immediately was all on fire, and begged of Pythius that he would sell him the place. He pretended abundance of unwillingness at first; but at length, to make short of it, was brought to a compliance. Canius buys it, together with all that belonged to it, and being very rich and desirous of the purchase, gives as much for it as Pythius demanded. Security is given and taken for the money, and the whole bargain finally brought to a conclusion. The next day Canius invites some acquaintance thither, and he comes himself somewhat earlier than ordinary; but sees not one of the fishermen's boats there. Hereupon he enquires of one of the next neighbours, whether or no that were any holiday with the fishermen; because he saw none of them thereabouts. Not that I know of, replies the other; but they none of them ever use to fish here, and therefore I wondered what the matter was yesterday. This put Canius into a lamentable fret; but how could he help himself? For Aquilius[p], my colleague and familiar friend, had not then published his court-forms about knavery; upon which when he was asked, what he meant by the word knavery? he answered, the making shew of one thing, while one is doing another[q];

[p] A noble and learned Roman, oftentimes mentioned and commended by our author, whose colleague he was in the prætorship. He was excellently skilled in the civil law, which he learned of Muc. Scævola, the high-priest. There was no action against a man, it seems, for this sort of knavery before his time. The occasion of his making these *formulæ*, see in *Valer. Max.* book viii. c. 2.

[q] These words must be taken in an ill sense: for all making shew, &c. is not knavery, but only that which is joined *cum Malitia*, with an ill design of cheating, &c.

a very perspicuous and plain definition, as indeed he was a man very happy at defining. Pythius then, and all others whatever, that make shew of one thing, and yet do the contrary, are perfidious, wicked, and knavish rascals. It is impossible therefore that any of their actions should ever be profitable, when they are under the scandal of such a number of filthy and detestable vices.

CHAP. XV.

All hypocrisy and dissimulation to be taken away. Knavery, or dolus malus, *punished by the Roman laws and judgments of equity. A remarkable action of Scævola's. He is not a wise man, who is not wise for his own advantage, in what sense true. A truly good man is not content with being as just as the laws require. A definition of such a one. He is very hard to be found.*

IF then this definition of Aquilius be good, all hypocrisy and dissimulation must be banished from amongst men; so that no honest man will be guilty of either of them, for the sake of buying or selling to his greater advantage. Nay this knavery or cozenage has always been punished by the laws of the city[r]: witness the XII tables about the case of guardianship; and Lætorius's law about the over-reaching of minors. Nay, where there was nothing of a law against it, it was nevertheless punishable in those judgments of equity, the form of which was, *Ex fide bona agitur*, That all things be done faithfully and honestly. And the same sort of words are in all other judgments; as when a wife, for example, enters an action for her dowry, upon a divorce from her husband, *melius æquius*, that things be settled better and more equitably; when any thing

[r] He proceeds from natural honesty, or the laws of right reason, to the laws of the city; and shews that knavery was punishable by those; though not in all, yet in several cases.

had been mortgaged and pawned to another, *ut inter bonos bene agier*, that amongst honest men there be nothing done, but only that which is honest. And could there possibly be any knavery allowed of in that, where the very court-form was, *melius æquius*, for the better and more equitable settling of things? Or any thing done through deceit and roguery, where these words are publicly read in court, *inter bonos bene agier*, that among honest men there may be nothing done, except that which is honest? Now there is something of this knavery, as Aquilius says, in all false shews and hypocritical pretences: lying therefore should wholly be banished from all sorts of business, and commerce in the world: nor should sellers bring people to bid high for their goods, and enhance their prices; nor purchasers others to bid under value, and so beat them down lower. But each of them, if they come to speak about a bargain, should say at a word what he will give and take. Quintus Scævola[s], the son of Publius, going to buy an estate, desired the owner to tell him at one word, what it was he must have for it: the seller did so, and Scævola told him, he thought it was worth more than what he had demanded for it, and accordingly gave him a thousand crowns over. Now there is no one but will grant this was done like an honest, but they will not allow it was like a prudent man; any more than if he had sold a thing for less than he might have had for it. Here now, you may see, is that pernicious opinion, thus to make a distinction between prudence and honesty. Ennius[t] has a saying to this purpose, that he would not give a farthing for a prudent man, that could not be prudent for his own advantage; to which I am ready to set my hand, if he and I can agree upon one and the same meaning of the word advantage. I find that Hecaton[u], a Rhodian philosopher,

[s] Mentioned before, c. 32. book i.

[t] In his tragedy of *Medea*: see *Epist.* 6. *lib.* vii. *ad Famil.*

[u] Mentioned again afterwards, c. 23. He flourished about the year of Rome 640. All his works are lost.

and scholar of Panætius, in his book about Offices, which he wrote to Q. Tubero[x], hath laid this down as a wise man's duty, first to conform to the laws, and customs, and practices of his country; and when he hath done that, to make the best improvement he can of his estate; since we ought to seek riches not only for ourselves, but our children, friends, relations, and especially the commonwealth, whose public riches must principally consist in the wealth and stock of its particular members. This man can by no means approve of that action, which I just now mentioned of Quintus Scævola; and there is nothing, he tells us, that he would scruple to do for his own advantage, if it be but permitted and allowed of by the law; for[y] which I think he does not much deserve to be thanked or commended. If then to make pretence of that which never was, and cunningly to dissemble the real truth, be pieces of knavery, there are but very few actions that are altogether free from it: and if he alone be an honest man, who does all the good he can, and does no injury to any body, it will be no easy matter to find one in the world. The result of what has been said is this, to be knavish and wicked can never be profitable, because it is attended with baseness and dishonour[z]; and it

[x] A noble Roman, grandson to Paulus Emilius, and nephew to the younger Africanus; beloved of Lælius Scævola, and all the great men of that time. He was hearer of the famous Panætius, a letter of whose to him is mentioned by our author; who often commends him for a man of wisdom, industry, and learning. He was a great admirer of the Stoic philosophy, which lost him the prætorship. See *Orat. pro Muræna*, c. 63.

[y] For he that has no more regard to honesty, than just what the laws of the public require; and will scruple to do nothing, so as he can escape their cognizance, can never be an honest and good man. The laws and dictates of nature and right reason, not only of the city he dwells in, ought to be the rule of an honest man's actions; these being only a shadow and faint draught of that perfect justice, to which we are led by the other. See c. 17.

[z] He does not mean that outward dishonour, which men draw upon themselves by their wicked actions, when they come to be known, (for that is avoided when the action is concealed,

always must be profitable to be virtuous and good, because it always is honest and creditable.

CHAP. XVI.

The care taken by the Romans, to make the seller tell the faults of the thing to be sold. An example or two of cases of this nature.

IN the matter of buying and selling estates[a], it is provided amongst us by the civil constitutions, that he who is the seller should tell all the faults that he knows of to the purchaser. For the XII tables ordering no more than this, that the seller should be bound to make good those faults, which were expressly mentioned by word of mouth in the bargain; and which whoever denied, was to pay double damages; the lawyers[b] have appointed a punishment for those, who themselves do not discover the defects of what they sell: for they have so decreed, that if the seller of an estate, when he made the bargain, did not tell all the faults in particular, that he knew of it; he should afterwards be bound to make them good to the purchaser. Titus Claudius Centumalus (to give an example) had a house that stood upon the Cœlian hill, and hindered the augurs as they made

whereas even then it is infamous to be wicked;) but he means the inward reproach of men's consciences, and the real scandal and dishonour that it is, for a man to do such things as are unworthy of, and disagreeable to, his reason. This follows every wicked action, though kept never so secret; and cannot be avoided but by living such a life, as becomes the great rule of our actions, reason.

[a] He proceeds to some particular cases, wherein knavery was punishable by the civil laws: such as are concealing the faults of a house, or the like.

[b] For though the XII tables were the ground and foundation of the Roman law; yet the learned by their interpretations, inferences from them, by their *formulæ* applied to particular cases, or the like, added a great many new things to them, which passed for a rule in judgments, as well as the XII tables.

their observations from the Capitoline mount[c]: who therefore gave him orders to pull that down, which was such an hindrance to their business. Instead of this, Claudius puts a bill over the door, that the house was to be sold; and quickly put it off, P. Calpurnius Lanarius being the man that bought it. The augurs in a short time sent him the same orders, and he accordingly took care to perform them. But afterwards coming to understand, that Claudius had not set the house to sale, till after he had been ordered by the augurs to demolish it; he brought in against him an action at law, to receive such satisfaction, as in conscience and equity he was bound to make him. Marcus Cato, the father of him that is lately dead, (for as others are distinguished by the names of their fathers, so he that begot this incomparable person should be named from his son,) sat as judge in the case, and gave this sentence upon the whole matter, that since Claudius knew this inconvenience beforehand, and did not discover it when he sold the estate, he was obliged in equity to make it good to the purchaser. He judged it therefore to be a part of honesty, that the seller should fairly declare to the buyer all the faults which he knows in the thing to be sold. If then this judgment were just and equitable, neither the merchant that brought the corn, nor the supposed seller of the infectious house, did well in concealing what either of them knew. But all the particular sorts of concealing could never be taken notice of by the laws of the city; however such as could were very carefully provided against. M. Marius Gratidianus[d], a kinsman of mine, had sold a house to Sergius

[c] For making their observations from the flights of birds, and that many times at a very great distance, it was necessary they should have some high place, and that nothing should be in the way to hinder their prospect.

[d] Son of one M. Gratidius of Arpinum, whose sister was married to Cicero's grandfather, therefore he calls him his kinsman. He was adopted by M. Marius, brother of him that was seven times consul. He was afterward killed by Sylla's order, having been of Marius's party against him.

Orata, which he had bought of the same person not many years before. The house, it seems, paid a duty[e] to Sergius, which Marius never once mentioned in the bargain. The business came at last to a suit in law, wherein Lucius Crassus was counsel for Orata, and Anthony[f] for Gratidianus. Crassus insisted very much upon the law, which says, that the seller shall make good those faults, which he himself knew of, and yet concealed them from the buyer: Anthony on the other side argued for equity, that Sergius could not but know that incumbrance, who had sold the house himself but a little while before; and therefore what need was there of telling him of it? That he could not complain of being any ways imposed upon, since he knew very well the condition of what he bought. I have brought you these instances only to let you see, that these cunning sort of men were never approved of by our ancestors.

[e] A thing in law is said *servire alicui*, when some one has a right of using it some way, or hindering some thing about it, &c. As I may be said to have a *servitus* upon a man's house or ground, when I can of right demand a way through it; or hinder from building higher, &c. lest he should hinder my prospect.

[f] The two famous orators mentioned above, and brought in speaking in his *de Oratore*: where he mentions this very cause, lib. i. c. 39.

CHAP. XVII.

The different methods used by law and philosophy, for the rooting out of knavery. Treachery to set up traps, though one do not drive the beasts into them. How the law of nature differs from the civil. The excellence of the Roman civil laws. The extent of that expression, Ex fide bona. *Knavish cunning very different from true prudence. How the laws provide against fraud in selling of slaves. Nature forbids one man to make his gain of another's ignorance. The ill effects of false prudence.*

BUT the laws take one way to root out these frauds, and philosophers another[s]: the former meddling no further with them, than as they break out into open acts, and may (as it were) be laid hold on by the hands of justice; but the latter endeavouring to hinder their breaking out, and to prevent them by precepts of wisdom and reason. Reason therefore requires of us, that we do nothing treacherously, nothing deceitfully, nothing merely by outward shews and false pretences. Now is it not treachery to set up a trap, though one does not frighten and pursue the beasts into it; for the simple creatures of themselves will run into it, without being driven? Just so you offer a house to be sold, because of some faults which you know to be in it; and put up your bill, as it were like a trap, in which some unwary sort of body will be taken. I know that, at present, the depravation of manners, and prevalence of evil custom, have made this to be counted neither base nor dishonourable, and that it is tolerated by the laws and constitutions of the public; but I am

[s] The difference between the laws and philosophers, as to taking away wickedness, is chiefly this: that those can restrain the outward actions only, but these inform the mind and understanding; those can only punish the actual crimes of delinquents, but these by informing the judgment, and improving the reason, take care to prevent the commission of them; and keep men from vice out of a love of virtue, whereas the laws can only terrify them from it by fear of punishment.

sure it is not tolerated by the laws of nature. For it is to be considered, (I must repeat it again, though I have already mentioned it a great many times,) that there is such a thing as natural society, which comprehends all men, and ties and unites them to one another: there is a nearer between those of the same nation; and a nearer yet, between those of the same city. Therefore our forefathers made a distinction between that law which is common to nations[h], and that which belongs to each city in particular. Whatever we are bound, by the civil constitutions, to do to our citizens; we are not obliged[i], by the law of nations, to do the same to strangers: but whatever we are bound by this latter to do to others[k], the same we ought to do to our citizens also: but the law[l], which at present we

[h] The law of nations is nothing else, but some rules and maxims of the law of nature, which reason tells us we ought to observe, in our actions and intercourse with all men whatever. This is not so distinct from that of particular cities, as though this could command any thing contrary to the former. No, the laws of every city must be allowed by reason, and suppose it as their foundation; but they determine some things, which reason has left indifferent, and descend to some particulars as to time, place, &c. which reason does not meddle with.

[i] Because the civil may add, though it can add nothing contrary to that of nations.

[k] Because that of nations is still in force, and obliges, notwithstanding what the civil may have added to it. The building upon a foundation does not take away the foundation itself.

[l] The laws and particular states consider men, as now they are in the world, and only regulate their outward actions, so as to preserve the peace and safety of the public: but those of nature and right reason, in the observation of which consists the perfectest justice that men are capable of; consider men as they ought to be, and command all that purity, sincerity, &c. that becomes the perfection of a reasonable nature: which is more than the civil can possibly do. The nature of God is the true standard of genuine right and perfect justice; right reason, which is taken from the nature of God is an original piece; which though in no wise equal to the living standard, is at least agreeable to it as far as it reaches: the civil laws are taken from reason, and are only a copy and faint representation of it; however it were to be wished that, such as it is, it were carefully followed. This is the sense, in which I take this place.

use amongst us, is far from being an original piece, immediately taken from genuine right and true perfect justice; it is only a copy and faint representation of it. However, I could wish we lived up even to this; for it is copied at least from some of the best originals, which were drawn from the truth and nature of the thing. For how excellent is that form in judicial proceedings, *uti ne*, &c. That I may not be defrauded or brought to an inconvenience, by trusting to you and your honesty? And how incomparable that other, that honest men do nothing, but that which is honest and without design. But the great question is, who they are that are honest men; and what it is to do nothing, but that which is honest? Q. Scævola[m], I remember, the high priest, was used to say, that all those judgments which had *ex fide bona*, faithfully and honestly put into their forms, were of marvellous force; and that faithfully and honestly were of very large extent, and belonged not only to wardships, societies, trusts, and commissions, but to buyings, sellings, lettings, and hirings, which relate to the society and intercourse of mankind; and that it was the part of an extraordinary judge to determine exactly in all these cases, what one man ought to make good to another, upon only the bare principles of conscience and honesty; especially seeing men differ in their judgments about the greatest part of them. All craft therefore should utterly be banished, and that knavish sort of cunning, which would fain indeed be counted, but is the farthest from prudence, of any thing in the world: for prudence consists in the making a right distinction between good and evil; but this kind of cunning gives the preference to evil; if, at

[m] Of whom he speaks c. 1. of his *de Amicitia*, and to whom he applied himself for knowledge in the civil laws, after the death of the other Mucius, who was augur. He was Cos. with L. Licinius Crassus, An. U. C. 658, whom he called *duo Sapientissimi Consules*, c. 11. of this book. He was afterwards killed by Marius's order in Vesta's temple: *Temperantiæ, prudentiæque specimen* (says our author) *ante simulachrum Vestæ trucidatus est, &c.* De Nat. Deor.

least it be true (as most certainly it is) that every thing is evil, which is contrary to honesty. Neither is it only in farms and houses that the laws of the city, which are copied from nature, take care to have cheating and knavery punished; but in slaves they exclude all fraud in the seller: for he that is presumed to know what the slave was, if he does not declare whether he be healthy, a renegade, or apt to steal, is answerable to the buyer, by an order of the Ædiles: but this does not hold in the case of an heir[n]. From what has been said, it apparently follows, since nature is the fountain from whence law is derived[o], that it is agreeable to the dictates and rules of nature, that no one should endeavour to make his own advantage from the ignorance of another. And indeed there is no greater mischief in the world[p], than this wisdom, falsely so named, joined with baseness and knavery. From this have arisen innumerable cases wherein profit is set up in opposition to honesty: for where almost is there a man to be found, that would scruple to injure and wrong any other, if he could do it with secrecy, and without fear of being punished?

[n] Because he being newly come to the estate, of which slaves were a part, is presumed not to know whether they are healthy, &c. or not.

[o] That is, the laws command, that no one should enrich himself by cheating another; and the laws are copied from reason: whence it follows, that reason commands, &c.

[p] Having shewn by a sufficient number of instances, that none of these actions can be profitable, which are contrary to strict justice or honesty; he now goes on to those actions, which are done under the pretence of wisdom and prudence, but indeed are quite contrary to it; and shews these also to be unprofitable.

CHAP. XVIII.

An example of a wickedness committed when there was no fear of punishment. It is a wickedness to be a receiver of ill-gotten goods, though you have no hand in the getting them. It is dishonest to get estates by servile flattery. Separating profit from honesty, the cause of all mischiefs.

LET us try, if you please, by some examples of that nature, wherein the common sort of people, perhaps, think there is no crime: for we do not speak here of such as cut throats, poison, make false wills, rob, or embezzle the public treasures; who are not to be repressed with nothing but words and philosophical discourses, but must be vexed and wearied out with chains and imprisonment: but let us consider here what is done by those, who pass in the world for men of honesty and integrity. A will that was forged of one Minutius Basilus, a wealthy person, was brought by some people out of Greece into Italy; who, to make it the more easily pass for good, made Marcus Crassus and Lucius Hortensius[q], two of the greatest men at that time in the city, joint-heirs with themselves, who, though they suspected the whole to be a forgery, yet having no hand in it themselves, made very little scruple of getting an advantage by other people's villany. And what then? was that sufficient to excuse them from fault, that they themselves had no hand in it? Truly I am fully persuaded not; though I always loved one of them while he was alive[r], and do not hate the other since he is dead and gone[s]. But when Basilus had desired Marcus Satrius, his sister's son, should bear his name, and had appointed him his heir; (I nominate him, says he, lord of my Sabine and Picenian manors,) was it any ways a just

[q] Both mentioned before, c. 8. book i. c. 16. book ii.

[r] Hortensius.

[s] Crassus, whom Cicero by no means liked, as appears from the next chapter, and especially from his sixth paradox.

and reasonable thing, and not rather an eternal blot upon those times, that some principal citizens should have a man's estate, and Satrius the heir be put off barely with his name? For if he be unjust, that does not keep off injuries from any of his neighbours, and defend and protect them as far as he is able, (as I have shewn already in the first book[t],) what sort of man shall we take him to be, who not only does not keep off an injury, but rather on the contrary helps to promote it? Nay I, for my part, am wholly of opinion, that estates which are left men by true wills, if gotten by knavish and servile flatteries, not by a real, but pretended friendship, are scandalous and dishonest. But in such kind of cases it often comes to pass, that one thing seems profitable, and another honest; undoubtedly by a mistake; for the same thing is the measure both of the one and the other[u], which whoever perceives not, will easily be led into all sorts of roguery. For he that begins thus to argue with himself, that indeed is honest, but this is advantageous; impudently divides, by this gross mistake, those things which by nature are coupled and united: which is the deadly root, from which all frauds, wickednesses, and villanies spring.

CHAP. XIX.

The carriage of a truly honest man, when it is in his power to be dishonest so as not to be discovered. The true notion of a good man. A saying of Fimbria's in the case of Lutatius Pinthia, to this purpose. A proverb borrowed from the country, shewing, that nothing dishonest, how secret soever, can be profitable.

IF a good man therefore should have such a power, as that by snapping of his fingers he could slip his name

[t] Chap. 7.

[u] Viz. Nature or right reason, to which whatever is contrary can neither be honest nor profitable.

cunningly into rich people's wills, he would never make use of it; no, not although he were fully assured, that no one living could either know or suspect it; but give such a power to Marcus Crassus, that by doing the same thing he should make himself heir, where he really was not so, and he would dance[x], I dare warrant you, publicly in the market-place. But he that is honest, and answers to our notion of a good man, will never take any thing away from another for the enriching himself, and filling his own coffers; which whoever admires, let him even confess at the same time, that he does not understand what a good man is. For if any one will thoroughly examine his own thoughts, and clear up a little his obscure conceptions, he will quickly be able to tell himself, that a good man is one, who does all the good that he can to others, but never any harm; unless by way of reasonable and just retribution for some injury received. I desire to know then; is not that man guilty of harming another, that outs the rightful heirs, as it were, by a spell, and procures himself to be put into their rooms? How then! (will some men say,) what, would not you have people consult their own interest? Yes, but withal I would have them understand, that nothing can be so, that is base or dishonest: which is a necessary maxim for all those to learn, whoever design to be good men. I remember I heard my own father tell, as long ago as when I was a boy, that Fimbria, one who had formerly been consul[y], was judge in a case of Lutatius Pinthia's, a Roman

[x] Dancing was esteemed but a scandalous practice, and unbecoming a sober and prudent person, among the Romans: wherefore our author tells us in his oration for Muræna, c. 6. nobody almost dances, unless he be drunk or mad; and calls it, *omnium vitiorum extremum*, a vice that no one would be guilty of till he had utterly abandoned all virtue; and *umbram luxuriæ*, that which follows riot and debauchery, as the shadow does the body. The meaning therefore of this place is, that Crassus would not stick at the basest actions, if he could but fill his coffers by them.

[y] With C. Marius, An. Rom. Cond. 649, when Cicero was but three years old.

knight, and a very honest man; who, upon pain of losing a certain sum of money[z], was to prove himself to be a good man. Hereupon Fimbria plainly told him, that he would never pass judgment upon such a matter; lest either by giving the cause against him, he should spoil the credit of a well-approved citizen; or else should be forced, by giving it for him, to pronounce that any one was a good man; which he could not do, considering the infinite virtues and duties that are requisite to the completing any person of that character. This good man then, of whom Fimbria had a notion, as well as Socrates, will never judge any thing profitable, that is dishonest: from whence it follows, that such a one will always be so far from doing, as that he will never so much as think of any thing, which he is afraid should be laid open to the rest of the world. And is it not a shame that philosophers should doubt of this, when there is not a peasant in the country but assents to it? For from them we have gotten that common saying, which is now by long usage become a proverb among us, which they bring in to signify the faithful dealing and honesty of a man: he is one (say they) that you may venture to play with at even and odd in the dark[a]. The meaning of which, what can it be but this, that nothing can be profitable, but that which is honest and becoming, though a man could be certain of being never found out in it? You see then according

[z] The plaintiff in a cause was to lay down a sum of money, which if his case was not just, he was to lose. The defendant was to do the same, or give up the cause to the plaintiff. This money was called *Sponsio* or *Sacramentum*. See Val. Max. book vii. c. 2.

[a] *Micare* signifies to hold up the fingers; a play among the Romans, said to be in use to this day in Italy, wherein one holding up such a number of his fingers, the other on a sudden (or something like it) was to guess how many there were. It was easy therefore to cheat in the dark, by holding up more or fewer before the other could be able to see. Hence to express a very honest man, and one that would scorn to cheat, though sure not to be discovered, they used this proverb. See Erasm. Adag.

to this proverb, that neither that Gyges, whom we mentioned above, nor that other, whom we just now supposed to have a power by the snapping of his fingers to become all people's heir, can by any means be excused. For as that which is scandalous and dishonest in itself, however it may be hid from the eye of the world, can never be brought to be honest and creditable; so also that, which is not honest and creditable, can never be brought to be profitable and advantageous; the very nature of the things resisting and opposing it[b].

CHAP. XX.

Great rewards are very apt to make men forgetful of honesty. Examples concerning this. An excellent rule for our direction in this case. A man loses more by doing an unjust action, than ever he can gain by it, be the reward what it will.

BUT when people expect great advantages from their roguery[c], it is a mighty temptation for them to be guilty of it. Thus, for instance, when Marius[d] was far from any hopes of obtaining the consulship, and had lain seven years from the time of his being prætor, so that no one suspected his standing for that honour; being dispatched to Rome by Q. Metellus[e], whose lieutenant

[b] That which is not honest is contrary to reason; that which is profitable must be agreeable to reason; otherwise it deprives men of their good, viz. virtue, and consequently would be unprofitable. The natures therefore of these two being opposite, can never let the same action be not honest, and yet advantageous.

[c] He goes on with his examples of craft, that pretends to be true prudence; and shews, that though it gets men honours, &c. as it did Marius the consulship; yet that it is truly unprofitable.

[d] He who afterwards came to be seven times consul.

[e] A noble, valiant, and virtuous Roman, chosen consul in the war of Jugurtha king of Numidia, and sent against him; where, by his valour and wise conduct, he beat that prince, and might

he was, an extraordinary man, and a brave member of the Republic; he accused his general to the people of Rome of protracting the war; and told them, that if they would but choose him consul, they should soon have Jugurtha, either dead or alive, delivered into their power. It is true by this artifice he got to be chosen consul, but he paid for it the price of his honesty and fidelity; who could thus bring an useful and excellent citizen, whose lieutenant he was, and by whom he was sent, into hatred and ill-will by false accusations. Nor did my kinsman Gratidianus[f] act the part of an honest and fair-dealing man, in the time of his prætorship: the tribunes of the people held a common consultation with the company of prætors, about settling the value and rate of money; which at those times was grown to be so very unconstant, as that nobody could be certain how much he was worth. They made an edict by common consent, allowing an action against those who transgressed it, and appointing a penalty for those who were convicted. This being ordered, they agreed to meet again in the assembly after noon, and all of them together tell the people what they had done. The meeting broke up, and the rest all departed, some one way, and some another: Marius only, directly from the court, went down to the assembly, and by himself alone declared that to the people, which all of them had agreed upon by general consent. If you ask now what was the event of this; nothing in the world could have gotten him greater honour; statues erected for him about the streets, frankincense and tapers burnt at every one of them; and, in short, never was any man more adored by the multitude. These are the things, which do sometimes mislead men in deliberating about their duty; when the offence against honesty seems very trivial, but the advantage that is gained by it very consider-

have ended the war, had not Marius supplanted him. However he obtained a triumph, and the surname of Numidicus. See Sallust, Jugurth, and Plutarch's Life of Marius.

[f] See c. 16. of this book.

able. Thus Marius thought it but a little piece of knavery, to steal the people's love from the tribunes and his colleagues; but a mighty advantage to be made consul by it, which was what he at that time proposed to himself. But in all these cases there is only one rule, which I desire you would constantly take along with you: be sure in the first place, that what you count profitable be no way dishonest; and if it be dishonest, then assure yourself that it is not truly profitable. And can we then esteem either the one or the other of these Marius's good men? Consider a little and examine your own thoughts, that you may see what idea, what notion or conception, you have of a good man. Is it reconcileable then with the character of such a one, to lie for the sake of his own advantage[g]; to deceive, to raise false reports and misrepresentations of others; to seize that beforehand, which others have a right to as well as himself[h]; certainly, nothing less. And is there any thing then of such excellent worth? any profit or interest so very desirable, for the gaining of which one would forfeit the glory and reputation of a good man? Can that, which we call by the name of profitable, bring us any thing so good as what it takes away from us, if it spoil our being counted men of honesty and integrity? if it occasion the loss of our justice and faithfulness? that is, in plain truth, if it change us into brutes? For where is the great difference between altering our shapes and becoming real beasts; and carrying the nature and fierceness of beasts, though under the outsides and figures of men?

[g] As the former Marius did, in accusing Metellus.

[h] As his kinsman Gratidianus did the favour of the people from the tribunes, and his colleagues.

CHAP. XXI.

To do any thing dishonest for the sake of power and authority, not profitable. A most detestable maxim of Cæsar's. Not profitable to make himself king in a free city. The unhappiness of a tyrant's life.

AGAIN, those who neglect all justice and honesty for the sake of power[i], do not they take just the same method that a certain person did[k], when he chose to be son-in-law to none but one, by whose daring boldness he might increase his own authority? He thought it a very great advantage, no question, to enlarge his own greatness, by drawing hatred upon another; but he never considered how great a disservice he did to his country, and how much scandal and discredit he brought upon himself. As for the father-in-law, he had always a couple of Greek verses in his mouth, taken out of Euripides's[l] tragedy of Phœnissæ; which I will endeavour to translate as well as I am able, perhaps it may be aukwardly, but however so as to make their sense appear:

> If ever we break the ties of right,
> 'Tis when a kingdom is the glorious prize.
> In other things be strictly just—

It was a villanous thing in Eteocles[m], or rather in

[i] In the last chapter he shewed, that no trick can be profitable, if contrary to honesty and true prudence, though it should procure a man never so much honour: here he shews the same as to power.

[k] Pompey the Great, who chose to be Cæsar's son-in-law, marrying his daughter Julia.

[l] A famous Greek tragedian, cotemporary and rival of Sophocles; very well known by his plays, which are still, a great many of them, extant.

[m] A king of Thebes, brother to Polynices; who were both of them sons of Œdipus by Jocasta his own mother. They agreed to reign by turns, and the elder Eteocles began first, but when his year was out, would not resign to Polynices. Hence arose a war, in which the two brothers killed one another. The verses

Euripides indeed, to exempt that one breach[n] of right from being criminal, which is certainly of all others the most wicked and detestable. Why do we insist then upon examples of lesser rogueries, such as making one's self heir by cunning and spells, cheats about buying, selling, &c. Here is a man for you[o], that has made no scruple of desiring to make himself king of the Roman people, and lord and governor of the whole earth; nay, and which is worse, hath accomplished his desire. If any man call this an honest ambition, he must be out of his wits; for he justifies the subversion of our laws and liberties, and esteems the most base and detestable oppression of them, a virtuous, laudable, and glorious action: but if any man, confessing that it is not honest, to get the dominion in that Republic, which has been and ought to be always free, will yet say, it is profitable for him that can do it; what reproofs shall I use, or what reproaches rather, to recall such a one from so dangerous an error? Good gods! Can it ever be supposed then to be any man's interest, by the heinousest and most unnatural wickedness upon earth, to ruin and destroy his own native country; though perhaps the man who is guilty of it, may afterwards be styled by his poor oppressed citizens, the father of it[p]? Interest therefore should always be measured by justice and honesty; so that these two words, though of different sounds, should yet be understood to mean one and the same thing. I know the common people are apt to imagine, that nothing in the world can be better than to govern; but when I consider the real truth and reason of the thing itself, I find, on the contrary, that nothing can be worse when people arrive at it by unlawful means. Can it possibly be profitable for any

here quoted agree very well with the person of Eteocles, who, for the sake of reigning, broke his faith and agreement with his brother.

[n] Viz. for the sake of a kingdom.

[o] Julius Cæsar.

[p] Cæsar was called so, notwithstanding his oppressions. See Sueton. c. 76, 85.

man then, to live in perpetual cares and anxieties? to be day and night racked and tormented with fears, in a life full of nothing but treacheries and dangers? Many are treacherous and unfaithful to kings, says Accius, and but few are faithful. But of what sort of kings did he speak this? Was it not of those, who by lawful succession had received the royal sceptre from Tantalus[q] and Pelops? How many more then must we suppose to be unfaithful to that king, who with an army of Romans had oppressed and enslaved the Roman people itself; and had forced that city, which was not only free, but even empress of the whole world, to submit her neck to his tyrannical yoke? What uneasiness of mind must such a one, think you, be continually under? What wounds and twitches of conscience must he needs feel? How, in short, can that life be an advantage to any man, which has this inconvenience inseparably annexed to it, that whoever is so happy as to take it away, will obtain the greatest glory and good-will from all the world? And if these things, which seem most of all to be profitable, yet are found to be the contrary when unworthy and dishonest; this certainly ought to convince us all, that nothing can be profitable, which is not honest.

[q] King of Phrygia, whom the poets make son of Jupiter, and tell us he served his son Pelops up to table to the gods. But they, except Ceres, who eat a shoulder, abhorring the banquet, restored Pelops to life, and sent Tantalus into hell, where he was tormented with hunger in the midst of plenty. Pelops afterwards married Hippodamia, daughter of Œnomaus, and became king of that part of Greece, which afterwards from him was called Peloponnesus, now Morea. His descendants were Atreus, Thyestes, Agamemnon, &c.

CHAP. XXII.

A brave example of the Romans preferring justice before a seeming profit. Glory can never be gotten by wickedness. Riches unprofitable, if accompanied with infamy. Example of injustice in the Romans. How an empire ought to be supported. Cato too severe in exacting the tributes. An unjust saying of Curio's.

BUT this has been determined, as at many other times by our wise forefathers, so particularly by Fabricius [r], then a second time consul, and the whole Roman senate, in the war with Pyrrhus. For when Pyrrhus had voluntarily made war upon the Romans, and the contention was held about empire and mastery, with a no less powerful than generous adversary; a deserter came secretly into Fabricius's camp, and offered, upon condition he might be well rewarded, to return back again with the same secrecy that he came, and to poison Pyrrhus. But instead of encouragement, Fabricius ordered him to be sent back to Pyrrhus, and was afterwards commended by the senate for so doing. If we look no further now than the outward appearance of what seems to be profitable, here is a dangerous war, and a powerful adversary of the growing empire might soon have been removed by the single assistance of this one deserter: but then it would have been an eternal scandal, not to mention the villany and wickedness of it in an honourable war, which was managed with a fair and generous enemy, not to get the victory by virtue and courage, but only by base and treacherous practices. Whether was more profitable then for Fabricius, who was such in this city as Aristides was at Athens; or for the Roman senate, which never thought any thing dishonourable their interest; to contend with an enemy by valour or by poison? If empire be desirable for the sake of glory, why is not wickedness

[r] See book i. c. 12, 13. book iii. c. 4.

altogether banished, in which it is impossible there should ever be any glory? But if we are for power at any rate, we should do well to consider, that it can never be profitable when accompanied with infamy. That counsel therefore of Lucius Philippus, the son of Quintus, was far from being profitable, that those very cities, which Sylla had freed for a set sum of money from paying any customs, by the senate's order, should again be brought under their former contributions: and yet not the money, which they had paid, be returned them. This advice of his was followed by the senate, to the great disparagement and shame of the empire; for even pirates at this rate will sooner be trusted than the Roman senate. Well, but the public revenues were increased by it, and therefore it was profitable: heavens! how long will men dare to call any thing profitable, which is not honest! Can hatred then and infamy be profitable to a state, which ought to be supported by glory and credit, and the love of its confederates! In this particular I often disagreed from my old friend Cato[s]; whom I always thought to be somewhat too headstrong, in standing up for the interest of the public treasury; and exacting the tributes with so much rigour, as not to make any allowances to the farmers, and very seldom or never grant any thing to the confederates: whereas we ought always to be kind to the latter, and to deal with the former, as we would do with our own bailiffs; and that so much the more because all the safety and welfare of the Republic depends upon the agreement of the several orders in it[t]. Nor less ill than Philip's was the counsel of Curio[u]; who, in the case of the people inhabiting beyond the Po[x], though he confessed their demands were but just and reasonable, yet always added, *vincat utilitas;* every

[s] He that was surnamed Uticensis, mentioned above.

[t] The senators and equites: which last were farmers of the public taxes.

[u] Curio the father. See c. 17. book ii.

[x] Who desired to be made free of the city of Rome, but were denied.

thing must give way to the interest of the public. He should rather have said, that they were not just, because not comporting with the public interest; than thus have declared they did not comport with it, and at the same time confess them to be just and reasonable.

CHAP. XXIII.

Several cases put by Hecaton the Rhodian. Diogenes and Antipater oppose one another. Whether bad money received for good should be put off.

HECATON[y] proposeth, in his sixth book of Offices, several questions, such as these which follow: whether a good man, in time of great scarcity, may refuse to give victuals to the servants of his own family? He discourses indeed upon either side of the question, but at last concludes, that he should rather be guided by his interest than humanity. He demands again, if a merchant in a storm be forced to throw his goods overboard, whether of the two he should choose to cast away, a very valuable horse, or a servant that is good for nothing? Here interest and the saving of his goods draw one way, and compassion of human nature another. Should a fool in a shipwreck have gotten a plank, may a wise man take it away from him if he can? He answers, no; because it would be plainly a piece of injustice: but what if the owner of the ship should come, may not he take it away when it properly belongs to him? No, not at all, no more than he may throw a man out of the ship, under the pretence that the ship belongs to him. For till they are arrived whither the ship was hired for, it does not more properly belong to the owner, than it does to the passengers by whom it was hired. Suppose two men that are equally wise, should both of them in a shipwreck

[y] One of Panætius's scholars, mentioned c. 15.

lay hold of the same plank; may either of them seize upon it forcibly to himself, or should one of them voluntarily yield it to the other? Let one yield to the other, provided that other will be more serviceable to the public, or there is more depending upon his life and preservation. But what if these are equal in either of them? Why then there is no more to be said about it, but it must even be let alone for chance to determine, as though they should cast lots, or play at even and odd for it[z]. What if a father should rifle temples, and dig passages under ground into the treasury; should the son discover him to the public magistrate? No; that were an horrid unnatural impiety; he should rather on the contrary defend his father, if any one else should pretend to accuse him. But what! ought not the interest of my country to be consulted, before that of any one else whatsoever? Yes, undeniably; but then it is very much the interest of your country, to have citizens that are dutiful and obedient to their parents. But if a father should attempt to make himself king, or any ways endeavour to betray his country; should a son in such a case hold his tongue and conceal it? In the first place, let him beg of his father to desist; if that does no good, let him proceed to rebuke and even to threaten him about it: but if at last he perceive that it directly tends to the ruin of his country, he should prefer its safety before that of his father. Another of the questions he proposes is this; Suppose a good man to receive, by an oversight, bad money for good, and afterwards come to understand that it is bad, may he pay it for good, if he owes another any thing? Diogenes thinks he may, but Antipater not; whom I rather assent to. Suppose a man be selling a vessel of wine, which he knows will not keep; is he bound to tell of this? Diogenes thinks he is under no such obligation; Antipater will have it to be every honest man's duty. These are the things, which whether they are right, and one's duty or not, are often controverted among

[z] What *micare*, the word here used, signifies, see c. 19.

the Stoics. In selling a slave is one bound to declare what his faults are or not? I do not mean those, which unless they are told, the law itself commands he shall be returned upon our hands; but his being a liar, a filcher[a], a player at dice, or a drunkard. One is of opinion we ought to declare them, and the other not. Should an ignorant body sell a quantity of gold, and suppose it to be copper; is a good man obliged now to tell him that it is gold; or may he buy for a penny what is worth a thousand pence? It is plain enough by this time what my thoughts are, and wherein consists the controversy between the fore-mentioned philosophers[b].

CHAP. XXIV.

Whether a man is obliged to perform all his promises or not; though at the expence of his life or reputation. Some examples upon it.

ARE we bound to perform all those promises and bargains, which (in the prætor's language) have neither force nor fraud in them? Here is a man, for example, that has gotten the dropsy, and another prescribes him an infallible cure for it, upon condition that he will never make use of it again. The man recovers by its help at present, but falls again some time after into the same distemper. Suppose now that he, to whom he made such promise, will by no means allow him to use the cure again; what would be his duty in such a case? Why, since he, who denies him the request, is inhuman, and it is a thing that will do him no manner of prejudice, it is the best way to take care of his life and safety[c]. A good and wise man is desired by one, who

[a] For if he be a downright thief, the seller is bound to tell it by the law, otherwise his slave will be turned upon his hands; as appears from c. 18.

[b] Diogenes and Antipater.

[c] No one is obliged to perform any promise, when it will but

appoints him his heir, and leaves him by will a considerable estate, that before he enters upon the possession of it, he should dance at noon-day in the open streets; and this he accordingly promises to do, because otherwise the testator would not make him his heir; would you have him perform now what he promised, or not? I could wish that he never had promised it at all, which I think would much better have suited with his character: but since he has done it, if he think it dishonourable to dance so in public, the best way will be not to stand to such a promise, provided he takes none of the money that was left him: unless the money may be turned to some very great benefit and advantage of the public; so that it would be no disgrace for a man even to dance, when it brings so much good to his country along with it[d].

CHAP. XXV.

Several other cases wherein a man is not obliged to perform his promises and vows; nor to give up a trust. The method he designs to take in the following part of the work.

NEITHER is one bound to perform those promises which are hurtful and prejudicial to the persons they were made to. Thus father Phœbus, that we may return to our fables[e], promised to grant Phaëton[f] whatsoever he should desire; and the mad young fellow desired to get up into his father's chariot. It was

bring a loss and inconvenience on himself, and do no service to the person it was made to. For why should that be demanded of me, which can do nobody any good, but me a great unkindness? Or what reason is there a thing should be done, which brings a great deal of harm, and no manner of good with it?

[d] For an action offending against outward decency and modesty, such as dancing is, ought to give place to an action of justice; such as is the doing a real kindness to the public.

[e] For he mentioned them in book i. and the Fable of Gyges in c. 9. of this.

[f] See Ovid's Metamorph. book ii.

accordingly granted him; but before he could get to be well settled in it, he was struck down with lightning. How abundantly better had it been, in such a case, if the father had refused to perform such a promise? The same may be said of another, which Theseus[r] obtained of Neptune: this god had promised to do any three things for him, whatever he should request, and he requested the death of his own son Hippolytus, upon a false suspicion that he had been naught with his mother-in-law. He obtained what he asked, which occasioned him very much sorrow and affliction. Again, Agamemnon[s] had vowed, for a sacrifice to Diana, the most beautiful thing that was born that year in his whole dominions. To be as good as his word, he was forced to offer his daughter Iphigenia, than whom nothing that year had been born more beautiful. Had not it been better to have broken his promise[t], than have done such a horrid and unnatural action? In

[r] Theseus married Hippolyte, queen of the Amazons, by whom he had Hippolytus. Afterwards he married Phædra, daughter to king Minos of Crete, who fell in love with Hippolytus. He neglecting her, she (in revenge) complained to her husband, that he would have lain with her. Theseus in a rage desired Neptune to destroy him, which he did. But the truth afterwards coming out, Theseus was grievously afflicted. Seneca and Euripides have written tragedies upon it.

[s] Diana being angry with Agamemnon for having slain a stag of hers, kept the Grecian fleet, that was going to Troy, at Aulis by contrary winds. Agamemnon to appease her vowed to sacrifice the most beautiful thing at that time in his dominions; which proving to be his own daughter, he sacrificed her. Others say the goddess put a hart in her stead, and carried her away to be her priestess at Taurica. See *Eurip. Iphigenia.*

[t] Unlawful oaths, vows, or promises, are not to be kept, because no man can ever oblige himself to that, which is contrary to a former and superior obligation. We are all by God obliged to the performance of such and such duties; therefore we cannot be obliged to the contrary by an act of our own. But here we must distinguish between those which are unlawful as to the manner or circumstances of them, and those that are unlawful as to the matter they are about. The first is by some called *Juramentum illicitum;* and the second, *De re illicita.* All hasty and rash oaths are unlawful in the first sense, by which we are obliged for all that; provided the subject they are about be

some cases then a man is not obliged to perform his promises: no more is he to restore what was given him in trust. Suppose, for the purpose, a man in his wits had entrusted you with his sword, and should demand it of you again when he is beside himself; your duty would be not to give it him again, and if you did, you would be guilty of a very great error. Again, should a man put a large sum of money in your hands[u], and afterwards raise a rebellion against his country, would you deliver up your trust, if demanded by him? Certainly no; for this would be to act against the public interest, which ought to be preferred before every thing else. Thus a great many things, which are honest of themselves, we may see cease to be so when the circumstances alter: to perform a promise, for instance, to stand to an agreement, or deliver up a trust, ought not to be done when they become unprofitable. This may suffice to have been said of those things, which a pretended wisdom would fain count profitable, though contrary to justice[x]. But having laid down, in the first book, four general heads, from which all offices or duties are derived, I shall discourse upon each of the same in this; and make out, that what is contrary to any of those virtues, is only in shew, and not really profitable. Of prudence then, which a knavish sort of cunning endeavours to imitate; as also of justice, which is never but profitable, we have discoursed already. It remains that we speak of the other two general heads of duty[y]; the one of which consists in the greatness

lawful. Then an oath is unlawful in the second sense, when a man swears he will do any thing that is wicked; which cannot oblige him for the reason above given. However he sins in swearing such a thing.

[u] Oaths, &c. do not bind, when the keeping of them will hinder some greater good, or bring some great evil. See *Grotius de Jure B. et P. Sanderson de Oblig. Jur. &c.*

[x] See note on c. 17.

[y] He has shewn that those actions, which may seem to be just and prudent, but really are not so, whatever advantages of wealth, honours, or the like they bring along with them, are not truly profitable, because contrary to those two parts of

and excellency of a courageous soul; and the other in such a regularity of our actions, as is conformable to the precepts of temperance and moderation.

CHAP. XXVI.

That nothing can be profitable which is contrary to the virtue of fortitude, shewn from the examples of Ulysses and Regulus.

ULYSSES thought it would be profitable for him, (if what the tragedians tell us be true; for Homer, a writer of the greatest authority, never once insinuates any such thing,) but the writers of tragedy accuse Ulysses for feigning himself mad, that he might avoid the war; a design that was by no means honest and creditable: well, but it was profitable (will some one say) to stay and govern at his own home, and enjoy himself quietly in his island Ithaca[z], together with his parents, his wife, and son. Is there any such credit in the daily dangers and fatigues of war, that you can ever think comparable with living such a life of tranquillity and security? Yes, I wholly despise and contemn your security, being fully persuaded that it can never be profitable so long as it is dishonest[a]. Pray what would they have said, do you think of Ulysses, suppose he had continued in his pretended madness; when after his glorious achievements in the war[b], he had yet these reproaches thrown upon him by Ajax?

honesty. He now proceeds to shew the same of the other two remaining parts, viz. Courage and Temperance, that nothing can be profitable that is contrary to either of them. And first of Courage; see the next chapter.

[z] An isle in the Ionian sea, now called Theaca, which Ulysses was prince of.

[a] Because cowardly, and so contrary to the virtue of courage.

[b] He conquered Resus, stole away the palladium, &c. See *Ovid's Metamorph.* book xiii.

Though, you all know, he first propos'd this oath[c],
Yet he's the only man that would have broke it.
He first endeavour'd not to join i' th' war,
Faint-hearted coward! feigning to be mad.
And had not prudent Palamede found out,
By cunning, this his impudent deceit,
The villain, notwithstanding all the ties
Of sacred oaths, had certainly gone off.

It was much better for him to bear all the hazards, not of the war only, but of the sea too, (as at last he did[d],) than not to make one among the rest of the Grecians, then resolving, by consent, upon a war with the Barbarians[e]. But to remove the scene from foreign countries, and fabulous relations, that we may come nearer home, and to a thing that really happened: M. Atilius Regulus, then a second time consul, was surprised in Afric by Xanthippus[f], the Lacedæmonian, and made a prisoner, (Amilcar[g], father of Hannibal, being the general of the Carthaginians,) and was sent by the Carthaginians to the Roman senate upon solemn oath given, that, unless some remarkable prisoners were restored them, he should himself return back again to Carthage. Now as soon as this man arrived at Rome, he could not but perceive what appeared to be his interest, but withal was persuaded (as the event declared) that it

[c] The Greeks took an oath, at their preparing for Troy, never to cease till they were revenged on the Trojans. Notwithstanding which Ulysses would have escaped. These verses are taken out of a tragedy of Pacuvius, about Ajax and Ulysses contending for Achilles's arms. The person spoken of in them is Ulysses, and the speaker Ajax.

[d] Wandering ten years, after the war was ended, before he could get home.

[e] So the Grecians called all other people beside themselves.

[f] Who was at that time made leader of the Carthaginians, and gave the Romans a notable overthrow in the first Punic war. See Polyb. book i. c. 32.

[g] A noble and valiant Carthaginian at the latter end of the first Punic war, counted the greatest general of his age, who not only defended, but enlarged the Carthaginian empire. See Polybius and Corn. Nepos.

only appeared so. The cause was thus: here he might have stayed in his native country, and have lived at home quietly with his wife and children; might have judged his misfortune, received in the war, no more than what all men in that state are liable to; and might still have continued in his old degree of honour among those of consular dignity. And who can deny now (will any one say) that all these things are expedient and profitable? Who do you think? Why greatness of soul and true courage deny it[h]. Can you desire any greater and more illustrious authorities?

CHAP. XXVII.

What courage and greatness of soul teach us. A continuation of the story of Regulus.

THESE are the virtues, by which we are taught to be afraid of nothing, to despise all the outward concerns of life, and count nothing intolerable that can possibly befal a man. Well, but pray what did this Regulus do then? He came into the senate, and told them what it was he was sent about, and refused to give his own vote in the case, forasmuch as he was not to be counted a senator, as being by oath under the enemy's power. And in his speech, which he spoke to the senate upon that subject, (fool that he was, some will be ready to say, and an enemy to his own interest!) he told them, it was best not to give up their prisoners; that they were young men, and might make able leaders; but that he, for his part, was grown almost useless, and worn away with old age. The senate were so persuaded by his speech, that they resolved the prisoners should be detained in custody, and he himself returned back again to Carthage; not all the love which he had

[h] That is, it was not really expedient and profitable for him to stay at home, though it might seem so; because contrary to courage and greatness of soul.

for his country, his friends and relations, being able to detain him. And though he knew well enough what a barbarous enemy, and what exquisite torments he was going to return to[i]; yet he thought it his duty, whatever came of it, not to violate his oath. I think he was in a better condition therefore, even whilst he was murdered by being kept from sleeping, than ever he could have been had he stayed at home, and lived under the scandal of being an old captive, and a perjured nobleman. But was not it very great folly and madness, if he would not persuade the releasing of the prisoners, yet to go and dissuade it as much as he could? Pray, how folly and madness? What, though it were conducive to the good of the Republic? Or can any thing be profitable to a private citizen, which brings a disadvantage to the commonwealth in general?

CHAP. XXVIII.

To separate profit from honesty, is to pervert the first principles of nature. All men naturally desirous of profit. The reasons given by those, who think Regulus did ill in returning.

THOSE men who separate profit from honesty, wholly pervert the first principles of nature[k]: for we all of us naturally desire our interest, toward which we are carried with so strong a bias, as that it is not in our power to turn the other way: for who is averse from,

[i] He was put into a little place, stuck all about with sharp points, so that he could neither lay down, lean on one side, nor stand upright: beside that his eye-lids were cut off, and the sun let shine upon his eyes, so that he could never sleep, &c.

[k] The first principle of nature is, that every one desire his own happiness, which is certainly his true and greatest profit. Now this consisting in virtue or honesty, the right use of this principle is, to conduct and lead men on in the ways of virtue. But those who make men's interest separate from honesty, pervert this principle, and make it conduct men to other things instead of honesty, viz. riches, power, or the like.

or rather, who does not most eagerly follow his own advantage? But since we can find out no real advantage, except in what is honest, becoming, and commendable, therefore we count these the principal things; and take the word profit to signify something which only relates to our outward necessities, and the supplying of them, without all that glorious and shining excellence which appears in the actions of virtue and honesty. But after all is done[l], perhaps some men will say, pray what is there in an oath, that he should be afraid thus to break it? What! was it Jupiter's anger that he dreaded? But this is agreed on by all philosophers; not only those[m] who maintain that the gods lead an idle life, neither busying themselves, nor disturbing others; but those[n] who affirm they are always busy, and always doing something that relates to the world: in this thing, I say, they are all agreed, that the Deity neither hurts nor is angry with any one[o]. But supposing the worst, pray what hurt could Jupiter's vengeance have done Regulus, greater than what Regulus did to himself? It could not be any thing of religion therefore

[l] He brings all the arguments of those men, who would have it, that Regulus did foolishly in returning: as, first, that he could not fear the anger of the gods, if he had stayed at home, for they are never angry. Secondly, if they had been angry, they could not have hurt him worse, than he did himself by returning, &c. To all which he answers in the following chapters.

[m] The Epicureans, who made the happiness of the gods consist in ease, and freedom from disturbance; and denied a Providence.

[n] The Stoics, Academics, &c. who held that the gods took care of the world and the affairs of it: only Aristotle confined his Providence to the heavenly bodies.

[o] See note on c. 3. book ii. The Deity it is true is never angry as men are, never transported with violent passion. But this was not so meant (by those I mean who allowed a Providence) as though the gods were not displeased at men's sins, their breaches of oaths, and the like; and did not punish them too as they thought fit; but these philosophers well understood, that the gods punishing offenders was not a hurt, but a real good; if not to the punished person, yet at least to the rest of the world.

that hindered him from following what appeared to be his interest. Again, was he afraid of the baseness and dishonesty of the action? As to that, in the first place, always of two evils choose the least; and where was any evil in the baseness of the thing, so great as was that of the torments which he endured? Beside, pray remember that sentence of Accius, which, however, it might be said by an impious king, is yet generally acknowledged to be very well said, who, when one told him you have broken your oath to me, answered, I neither am, nor have been tied by oath to any treacherous deceiver[p]. Again, they tell us, that as we affirm some things seem profitable which are not so; so they affirm some things seem honest which are not so. As this for example, of returning to be tormented, rather than break one's oath; which is not honest, though it may seem to be so; because no man is obliged to perform that oath, which was extorted from him by the force of his enemies[q]. And lastly they argue, that whatever makes very much for one's profit and advantage, thereby becomes honest, though before it did not seem to be so. This is what is generally brought against Regulus; but let us see and examine all the parts of it in order.

[p] The force of this argument is, men are not obliged to keep their oaths to deceivers and treacherous people; and such the Carthaginians were; therefore Regulus needed not have kept his oath to them.

[q] These words contain two arguments, which are afterwards distinctly answered. First, it was made to an enemy. Secondly, extorted by force.

CHAP. XXIX.

He answers the first part of the arguments brought against Regulus. The sacredness of an oath. The divinity of faith. Pain none, or at least not the greatest evil. Dishonesty the greatest, if not the only evil. Faith to be kept even with those who are treacherous. Oaths made to enemies should be kept: not so those made to pirates, and why. What it is to forswear one's self. The form of oaths among the Romans. Laws of war to be kept inviolable.

FIRST then[r], they say, he could fear no harm from the anger of Jupiter, who neither can be angry nor do harm to any body. This proves as strongly against all oaths in general, as it does in particular against this of Regulus. But the thing to be considered in people's taking of oaths, is not what danger they are in, should they break them; but what a sacred and powerful obligation is laid upon them. For every oath is a religious affirmation; and whatever is promised after such a manner, as it were calling God for a witness to your words, ought certainly to be performed. For now faith and justice require it of us, and not any fear of that anger of the gods, which is not incident to their divine natures. The faith I mean, of which Ennius has got these incomparable words:

> O FAITH! all-glorious and divine!
> In lofty temples fit to shine:
> Ev'n Jove himself by thee doth swear[s]!

Whosoever therefore doth not perform his oath, affronts the deity[t] of that divine faith, which was (as Cato in

[r] He begins with answering the first argument brought against Regulus; and shews what is to be regarded when people take oaths.

[s] Men and the inferior gods might swear by Jupiter, who was above them; but Jupiter himself could swear by none, but the inviolable faith of his word and promises.

[t] The heathens made deities almost of every thing, viz. faith, concord, luck, &c. See our author *de Nat. Deor.* lib. ii. c. 23.

his speech informs us) set up by our fathers in the capitol itself, even next to the statue of the great god Jupiter. But, secondly[u], they tell us, supposing Jupiter had been angry with Regulus, he could not have brought any evil upon him greater than what Regulus brought upon himself. This, I confess, would be very true, if there was no other evil but only pain: but that is so far from being the greatest evil, as that it is not so much as any evil at all, if we may credit some of the chief philosophers[x]; among whom, I pray you, let Regulus be counted of no small authority; if I may not rather say of the greatest and most weighty: for what greater testimony can any one desire, than that of a principal man among the Romans, who, rather than be wanting in any point of his duty, chose to undergo the most exquisite torment: but of two evils, say they, always choose the least[y]: that is, in plain words, rather be a rogue than undergo any calamity. Can any calamity then be greater, than that of baseness and injustice? For if even the filth and deformity of the body be loathsome and offensive; how much more so must that of the mind needs be, when it is covered and polluted with shame and dishonesty? Those philosophers therefore, who discourse of these things with most closeness and severity, venture boldly to affirm, that nothing is evil but only what is dishonest: and even those themselves who do it more loosely, yet always acknowledge, that it is the greatest however of all evils. That saying of the poet indeed is good, I neither am, nor have been tied by oath, to a treacherous deceiver[z]; but it is therefore so, because when Atreus was brought upon the stage, he was to make him speak that which

[u] He comes to answer the second argument against Regulus.

[x] The Stoics, who (as was before observed) allowed nothing to be evil, but what concerned the soul and conscience; calling the calamities of the body or fortune, such as pain or poverty, indifferent things.

[y] The third argument against him answered.

[z] The fourth argument, taken out of Accius's tragedy of Atreus, answered.

was suitable to his character. But if once they begin to lay down this for a maxim, that faith, when given to those who are treacherous, is not to be kept; they had best have a care that this be not made a refuge and cover for perjury. As for his oaths being made to an enemy[a]; even war itself has laws that belong to it; and faith, except in some very few cases, is always to be kept, even with our greatest adversaries. For whatever you swear, for example, in such a manner, as that your conscience[b] tells you it ought to be done, you are bound most inviolably to perform it: but where it is otherwise, you do not lay under any such obligation; and are not perjured, though you should not perform it. Suppose, for the purpose, you had sworn to a pirate, that you would pay him such a sum if he would spare your life; it would not be perjury, though you should not pay it him. For a pirate is by no means a lawful adversary[c], but rather a common pest and enemy of mankind; so that no one is obliged to keep his faith or oath with him. For to swear to a thing, and yet not perform it, it is not immediately to forswear one's self: but then a man is properly said to be perjured, when he swears upon his conscience[d] (as our form runs) to do such and such things, and yet does not do them. For

[a] Answer to the fifth argument, his oaths being made to an enemy.

[b] So I understand the words, *ut mens conciperet*, &c. not as though it were *mens deferentis*; for I am not bound to perform whatever I swear, according to the mind of him that gives the oath; for it may be unlawful, or the like. Beside, it is unreasonable to interpret oaths, just according to the mind of the imposer: he may have his private meanings, &c. as well as the receiver. See upon this whole subject, *Sanderson*, *Grotius*, *&c.*

[c] Grotius does not like this decision of Cicero's; because in an oath we are not only to consider the person's right whom we swear to; but God also, by whom we swear. It is true, the pirate can demand nothing in this case; but the Majesty of God, by whom I swore, lays an obligation of performance upon me. But *Puffendorf de Jur. N. et G.* book iv. c. 2. sect. 9. seems rather to favour our author's opinion.

[d] That is the meaning of *ex animi sententia*, and not with design of obliging yourself. Oaths would signify just nothing

that of Euripides may be said in some cases to be very good, My tongue indeed swore, but my conscience did not assent[e]. But had Regulus in his case done any thing contrary to the laws and conditions that are kept between enemies, it had been downright perjury. For the Carthaginians, with whom he had then to do, were a lawful adversary, between whom and us there is all the fecial[f], and several other laws that are common to nations. For had it been otherwise, it is certain the senate would never have delivered up some eminent persons in chains to their enemies[g].

CHAP. XXX.

Examples of several eminent Romans given up to the enemy. Answer to the rest of the arguments brought against Regulus.

BUT they did deliver both Lucius Veturius[h] and Sp. Posthumius in their second consulships to their enemies, the Samnites; because being beaten at the passage of Caudium, and the legions being disarmed and sent away with disgrace, they had concluded a peace of their own heads, without any orders from the senate or people.

at all, if they obliged no further, than people designed to be obliged by them. It was the form of oaths among the Romans, Do you swear such a thing is so and so, *ex animi tui sententia?* Which words signify either according to your mind, or upon your conscience. Hence that jest which our author quotes in his *de Orat.* Cato the censor asked a man, Have you a wife or not, *ex animi tui sententia?* meaning upon your conscience or oath: to which he answers, *Non quidem ex animi mei sententia;* meaning, Not according to my mind or liking.

[e] When, for example, a man only reads or repeats the words of an oath, or the like. See Grotius, book ii. c. 13. sect. 2.

[f] See c. 11. book i.

[g] Generals, who had made leagues with the enemy, without power from the senate and people.

[h] About the year of Rome 433, Caius Pontius, whom he mentioned c. 21. book ii. was then general of the Samnites. See Livy, book ix. c. 1.

T. Numicius and Q. Mælius, who were tribunes of the people at the same time, because by their authority the peace was concluded, were likewise delivered, that so we might be freed from any obligation of keeping it. And all this was done upon the proposal and advice of Posthumius himself, who was the person delivered. The case of Mancinus[i], a great many years after, was exactly the same, who having, without any orders from the senate, struck up an alliance with those of Numantia[k], was the first man that spoke for that bill in the senate-house, which by L. Furius and Sext. Atilius was carried to the people; and which they agreeing to, he was delivered to the enemy. He did more honestly than Sext. Pompeius[l], who being concerned in the same sort of crime, made interest to be excused from undergoing the same punishment, and by that means escaped it. This man now let the appearance of profit prevail over honesty; but in all the others mentioned, the authority of honesty easily carried it from the pretended profit. But to go on with Regulus[m]: another thing urged by his adversaries is this, that he should not have performed what is forcibly put upon him. As though a man of courage could be wrought upon by force. But why, say they, did he go at all to the senate, being resolved to dissuade the delivery of the captives? This is to blame him for that, which parti-

[i] C. Hostilius Mancinus, consul about the year of Rome 613, who being brought into very great straits by the Numantines, was forced to make a dishonourable league with them. The senate, that they might not be bound to the league, delivered the author of it up to the enemy. But they refused to receive him, as the Samnites had refused Posthumius before. See *Vell. Paterc.* book ii. c. 1.

[k] A small town in Spain, which with a very few men held a war against the Romans fourteen years, and beat them several times: at last it was razed by the younger Africanus.

[l] Consul the year before Mancinus, who made the first shameful league with the Numantines; but by his interest and entreaties escaped being delivered up to them. He was the first of the Pompeys that ever was consul.

[m] He returns to his defence of Regulus, and answers the other arguments urged against him.

cularly deserves commendation: he would not depend upon his own judgment, but pleading for that which he thought most expedient, left it to be determined by the judgment of the senate: and had it not been for his counsel in the case, the prisoners had surely been sent again to Carthage, and he remained safe in his native country: but this he concluded would be a prejudice to the public, and therefore esteemed it to be no more than his duty to speak what he thought, and endure what might come of it. Lastly, they add, that whatever makes highly for one's profit and advantage, thereby becomes honest. I answer, that it may[n] indeed antecedently be such, but can never thereby become such: for nothing is profitable but what is honest; and things do not become honest by their first being profitable, but become profitable by their first being honest. I conclude therefore, that of all those great and wonderful examples, which might easily be brought upon this subject, it will be hard to find any more illustrious and commendable than this of Regulus.

CHAP. XXXI.

Regulus's returning to Carthage, a commendation of those times. The sacredness of an oath, though extorted by force, among the ancient Romans. This illustrated by the example of Pomponius and Manlius.

BUT the only thing that deserves our admiration, in all this glorious conduct of Regulus, is his persuading the senate not to restore the captives. As for his returning again to Carthage, it is true we admire it in our days, but at those times he could not have possibly avoided it. The age, I think, therefore should rather

[n] *Fieri* signifies to be made, and *esse* actually to be; the meaning is, that a thing which is very profitable may be also honest; but it cannot be made honest by its being profitable, if it were otherwise dishonest.

be commended for that, than the man. For there is nothing our ancestors took greater care of, than that the tie of an oath should be always held as most sacred and inviolable. This appears plainly from the XII Tables; it appears from those laws which are called Sacratæ[o]; it appears from the strict observation of leagues, by which we are obliged to keep faith even with enemies; and lastly, it appears from the punishments and penalties which have been inflicted by the censors; who in no one thing have been more severe, than in punishing those who had transgressed their oaths. M. Pomponius, a tribune of the people, once entered an action against L. Manlius[p], the son of Aulus, who had been dictator, for holding that office somewhat longer than he should have done. And amongst other things brought in this too against him, that he kept his son Titus, who was afterwards Torquatus, from conversation with the world, and had strictly charged him to live solitary in the country. As soon as the son heard his father was in trouble about this business, he is reported immediately to have set out for Rome, and come early in the morning to Pomponius's house. Pomponius was no sooner told of his coming, but he got up immediately; and thinking the youth, out of anger, had brought some complaint against his father, commanded all others to depart the room, and him alone to be brought in to him. As soon as the young man was got into the room, he drew his sword, and

[o] Because the commons, thinking they were oppressed by the nobles, raised a sedition, and retiring to a place called *Sacer mons*, refused to return till such and such privileges were granted them by the senate. The laws made upon that occasion were called *Sacratæ*. See *Livy*, book ii. c. 32, 33. and *Paul. Manut. de Leg. Rom.* p. 39.

[p] Surnamed Imperiosus, a valiant and noble Roman; he was chosen dictator upon a religious account, for driving a nail into Jupiter's temple, [*Livy*, book vii. c. 3.] but a war falling out in the mean time, he would have managed that too, imperiously forcing the youth to take arms; which got him the hatred of the tribunes, and made Pomponius accuse him, about the year of Rome 393.

swore he would immediately kill Pomponius, unless he would promise him upon oath to meddle with his father no further. Pomponius, out of sudden apprehension of the danger, did swear to him accordingly, and discharged his father from any more trouble; having first reported the matter to the people, and told them why he was forced to let fall his action. Thus strict and conscientious were people, at those times, in observing their oaths. And this Titus Manlius is that very person, who being afterwards challenged by a mighty Gaul, killed him[q] in a duel by the river Anien[r], and was surnamed Torquatus from wearing a chain, (in Latin, *Torquis*,) which he took from his neck. The same man again, in his third consulship, put to flight and defeated the Latins near Veseris[s]. He was indeed a very great and extraordinary person; who as he shewed his love, in this case, to his father, so he was unnaturally cruel to his son[t].

CHAP. XXXII.

The severity of the Romans against the breakers of oaths. The example of ten sent by Hannibal to the senate, upon oath of returning. Fraud not sufficient to excuse a perjury. A resolute action of the senate in not redeeming eight thousand prisoners. The conclusion of this head.

BUT as Regulus did well in performing his oath; so those ten, who, after the battle at Cannæ, were by Hannibal sent to the Roman senate, upon oath of returning

[q] The year of Rome 394, T. Quintius Pennus being dictator. *Livy*, book vi. c. 9, 10.

[r] A river in Italy, that falls into the Tiber, a few miles above Rome; whence it is now called Teverone, that is, the little Tiber.

[s] Another river in Italy, not far from the foot of the mountain Vesuvius.

[t] His son fought a single combat with Geminius Metius, a stout Latin, and overcame him; but because he did it without

to the Carthaginian camp, if they could not obtain an exchange of prisoners, did ill if they did not return accordingly: concerning whom writers have differed in their relations. Polybius[w], an author of very good credit, informs us, ten persons of considerable quality were sent to the senate; and that nine of them did honestly return to the camp, not having been able to obtain what they went about; but the tenth stayed behind and remained at Rome. This man, as soon as he was out of the camp, pretending he had forgot to take something along with him, went back thither again; as thinking his returning under such a colour, was a very sufficient performance of his oath. But certainly he was mistaken; for cunning is so far from excusing a perjury, that it aggravates it rather, and makes it the more criminal[x]. This therefore was no more than a foolish piece of craftiness, impudently pretending to pass for prudence: whereupon the senate took care to order, that my crafty gentleman should be sent back in fetters again to Hannibal. But the most glorious action of the senate was this; Hannibal had eight thousand[y] of our soldiers his prisoners, not such as had either been taken in battle, or had fled from any imminent danger of their lives; but were left in the camp by

leave from him who was general, he commanded his head to be cut off for his breach of military discipline: hence *Manliana imperia*, used to signify any unnatural rigour and barbarity.

[w] An eminent historian, native of Achaia, and son of one Lycortas, a prince of that country; but afterwards brought to Rome, where he was admired for his learning by all the great men, Scipio, Lælius, &c. He wrote in Greek a history of the World, containing forty books; most of which are now lost.

[x] For all departure from the simplicity of an oath (they see the words of a very great man) is a degree of perjury; and a man is never a whit the less forsworn, because his perjury is a little finer and more artificial than ordinary. And though men think by such devices to save themselves harmless from the guilt of so great a sin, they do really increase it, by adding to their iniquity the impudent folly of mocking God, and deceiving themselves.

[y] After the battle of Cannæ, where Paulus and Varro the two consuls were defeated by Hannibal.

Paulus and Varro, the then two consuls. The senate decreed that these should not be ransomed, though it might have been done with a small sum of money; for no other end but to let our soldiers see, that either they must resolve to conquer or die. Upon the news of which, as the same author tells us, Hannibal presently began to be disheartened, when he saw that the senate and people of Rome had so great resolution even in the midst of their misfortunes. Thus, we see, honesty gets the better in the comparison, against that which has only the appearance of profit. But Acilius[z], who has written a history in Greek, says, more of them returned under this pretence to the camp, hoping by such a trick to get quit of their oaths; and that they were all of them branded with shame and dishonour by the censors for so doing. But let us now put an end to this third head, since from what has been said it is apparently manifest, that whatever is contrary to the virtue of fortitude; that is to say, whatever is done with a timorous, mean, disheartened, abject spirit, can never be really and truly profitable, because it is wicked, disgraceful, and odious. And such would this action of Regulus have been, had he either, in delivering his sense about the captives, spoken what was for his own, not the public security; or afterwards chosen to remain at home, instead of returning to fulfil his oath.

[z] A learned Roman, who was quæstor and tribune of the people. He wrote the Annals of the Roman Empire in Greek, which are thought to have been translated into Latin by Q. Claudius Quadrigarius, and to be the *Claudii Annales Aciliani*, quoted by Livy.

CHAP. XXXIII.

Nothing contrary to temperance, &c. can be truly profitable. Who those philosophers were, that made happiness and misery consist in pleasure and pain. This opinion ruins all virtue, prudence, fortitude, temperance, and justice: however, these philosophers endeavour to clear themselves of this imputation; but cannot get well off. Pleasure opposite to honesty. The absurdity of those, who would have made happiness to consist in both these. A short recapitulation of this last book. How far pleasure may be allowed. A conclusion, by way of exhortation to his son.

WE have now finished our third head; the fourth and last remains only to be spoken to[a], which contains in it decency, modesty, moderation, continence, and temperance. And can any thing be profitable, that is opposite to a train of such excellent virtues? There hath been however a sect of philosophers, scholars of Aristippus, who were called Cyrenaics[b]; and others, who had the name of Annicerians[c] given them, that affirm all good to consist in pleasure, and count virtue itself therefore only desirable, because of some pleasure that it brings along with it. But these being now almost worn out of date, Epicurus is mightily come into vogue, the great supporter, and, as it were, second

[a] He has shewn that nothing can ever be profitable, that is contrary to three of the general virtues,—justice, prudence, and courage: it only remains that he shews the same of the fourth, temperance; which he endeavours to do in this chapter.

[b] Because Aristippus [c. 14. b. i.] was born at Cyrene, a town in Afric.

[c] So called from one Anniceris, a Cyrenian, scholar of Parræbates, a Cyrenaic. He corrected a little the Cyrenaic opinions, and therefore was called founder of a new sect. See *Menage* on Laertius's Life of Aristippus, where he shews there were two called Anniceris: the former cotemporary with Plato, and his redeemer when a slave in Ægina; and the latter of this sect.

founder of the same opinions. With these we must fight (as they say) with might and main, if ever we think of supporting the cause, and maintaining the interest of virtue and honesty. For if what Metrodorus[d] has written pass for truth, that whatever can truly be called our profit, nay and all the welfare and happiness of life, consists in a firm constitution of body, and a well-grounded hope of its lasting continuance; it is certain this profit, nay this sovereign profit (for such they account it) must sometimes be set in opposition to honesty. For what[e], in the first place, will be the office of prudence? only to cater and look about for pleasure? How miserable a case is that virtue in, which is thus made a servant and pander to pleasure? but what shall be her business in this office? to taste and distinguish ingeniously betwixt pleasures? Supposing this to be a pleasant business, it is certainly the most scandalous one that could ever have been thought on. Again, can he that makes pain be the greatest evil, have ever such a virtue as fortitude in him, the very nature of which consists wholly in despising of pains and difficulties? I know Epicurus upon several occasions, and this in particular, speaks very courageously as to the matter of pain; but we must not consider so much what is said, as what ought to be said by a man of his principles, who makes pleasure and pain to be the ultimate bounds of man's happiness and misery. So again, if you would hear him about continence and temperance, he tells you abundance of extraordinary things in a great many places; but he is gravelled (as we speak) and can never be able to acquit himself handsomely. For with what face of reason can he commend temperance, who places his happiness in the enjoyment of pleasures? When the sensual appetite follows after pleasures[f], and it is the business of tem-

[d] An Athenian, scholar and most intimate friend to Epicurus, often mentioned by our author.

[e] He proceeds to shew, that this opinion ruins all the virtues; as first, Prudence.

[f] That is, pleasure (Epicurus's happiness) consists in indulg-

perance to correct that appetite. But still they endeavour[g], in each of these virtues, to bring themselves off by one little shift or other: thus prudence is admitted, and defined to be the skill of supplying us with pleasures, and defending us from pains: and they make out fortitude as well as they can, by saying it consists in despising death and enduring torments: they do bring in a sort of temperance too, though not without a great deal of straining and difficulty; but, however, they make a shift, after some fashion, by saying, they count it the greatest pleasure, if they can but be exempt from pain and uneasiness. Thus these three virtues stand up pretty well; but justice, the fourth, totters mightily with them, or rather indeed is quite fallen to the ground; with all those duties which relate to the maintenance of human society: for what kindness[h], liberality, affability or friendship can there be amongst those, who desire these virtues not purely for themselves, but only in relation to their pleasure or advantage? To make short then, I shall only say, that as I have shewn before, that nothing can be profitable which is contrary to honesty; so now I do affirm, that pleasure in general is contrary to honesty; I the more blame therefore Dinomachus and Callipho[i], who thought this dispute might be brought to an issue, if they joined both pleasure and virtue together, like a man and a beast as it were in the same yoke. For virtue can never admit of this conjunction, but abhors and disdains it; nor can

ing the sensual appetite; but temperance consists in opposing this appetite; therefore temperance and pleasure can never agree; and consequently Epicurus is inconsistent with himself, when he commends temperance, and yet makes pleasure his sovereign good.

[g] Having proved that this opinion ruins all the virtues; he proceeds to shew how these endeavour to bring themselves off in each of them.

[h] See note on book i. c. 2.

[i] Two philosophers often mentioned by our author, who made happiness consist in pleasure and honesty joined together. See *Academic. Quæst.* book iv. c. 45.

ever the sovereign good and evil, which must be one single and simple thing, be made up and compounded of such different principles. But of this, which is a thing of the greatest moment, I have written at large in another work[k]: let us now return to our present subject: what has been said in this last book, I hope, is enough to let any one see, how it is his duty to determine his choice, if that which seems useful and expedient for him, should come into competition with that which is honest. But if it should be said, that even pleasure carries with it the appearance of profit; let it also be considered, that it never can be brought to an agreement with honesty: for the most that can possibly be said for pleasure (that we may not seem wholly to exclude it) is, that it serves by way of sauce, to give a relish to things, but has no true profit or advantage in itself.

This is the present, dear son Mark, that your father sends you, and in my opinion it is a very good one; but that will depend upon the use you shall make of it. However entertain, among Cratippus's lectures, these three books, and shew them at least the civility due to strangers. Had it been my fortune to have come to Athens, (which had surely been done, if I had not been recalled by the cries of my country[l],) you might then perhaps sometimes have heard my lectures: however since now, in perusing these sheets, you will have my voice, as it were, by proxy, pray bestow upon them as much time as you can, and I am sure you can as much as you please. When I hear you take a pleasure in this sort of studies, it will delight me to talk to you (which I hope may be speedily) face to face; or

[k] His books *De Finibus Bonorum et Malorum.*

[l] He was on his way thither; but was sent home again by some who told him that his presence would be very advantageous to the public. See his own relation of it, at the beginning of his first *Philippic*, and *Epist.* vii. lib. 16. *ad Attic.* and *Epist.* i. lib. 10. *ad Fam.*

however to write to you, though at never so great a distance. In the mean time, adieu, my dear Cicero, and assure yourself, that though no one in the world is more dear to me than you are, yet you will hereafter be much more so, if I find you take delight in such writings and instructions.

NOV 1 1941

Deacidified using the Bookkeeper process.
Neutralizing agent: Magnesium Oxide
Treatment Date: August 2006

PreservationTechnologies
A WORLD LEADER IN PAPER PRESERVATION
111 Thomson Park Drive
Cranberry Township, PA 16066
(724) 779-2111

LIBRARY OF CONGRESS
0 003 087 328 2